

Tyler Police Department

General Orders

7-24-2019

MuckRock News Open Records Request

Received 7-23-2019

1. The total number of police use of force incidents, broken down by type of force used, between 2013-2018 (separated by year)

Attached

2. The total number of people that police used force against, between 2013-2018 (separated by year).

Attached

3. A copy of all complaints reported by civilians against police between 2013-2018.

Attached

4. A copy of any documents indicating whether the civilian complaints identified in request #3 were sustained.

Attached

5. The policy manual of the police department.

DVD Attached

6. The current union contract between the city and any police unions or police associations.

Not Applicable

7. All records regarding police shootings (including fatal police shootings, non-fatal police shootings and police shootings at a civilian that missed) between 2013-2018, including incident-level information specifying the date of each incident, race and gender of all subjects involved, what weapon if any they were armed with, any injuries or deaths resulting from the incident, the names of all officers involved, whether administrative investigations found the incidents to be justified under police department policy and any disciplinary actions taken against the officers as a result of the incident.

The Tyler Police Department has been involved in one police related shooting during this time frame requested of 2013-2018. This incident occurred on 01/01/2013 and is documented under Tyler Police Department Offense report 13-00003 (Attached).

I contend that any administrative investigations related to departmental policy or disciplinary actions taken would be protected in from release by the Texas Local Government Code as they are maintained in the 143.089(g) file.

8. All records regarding civilian deaths or serious injuries resulting from police use of force between 2013-2018, including incident-level information specifying the date of each incident, race and gender of all subjects involved, what weapon if any they were armed with, any injuries or deaths resulting from the incident and the names of all officers involved.
Only incident pertaining incident is attached above with item #8

2018 USE OF FORCE REPORT

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
PHYSICAL	0	0	0	0	0	0	1	1	1	2	1	3	6	1	1	0	2	8	9
IMPACT WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY	0	0	3	3	1	1	1	3	6	0	2	2	4	1	0	0	1	5	11
OC / PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY/TASER	0	0	1	1	0	0	0	0	1	2	0	0	2	0	0	1	1	3	4
OC/HARD EMPTY HANDS	0	0	2	2	1	0	0	1	3	1	0	1	2	0	0	0	2	5	5
OC / POINTING FIREARM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC/ RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PEPPERBALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POINTING OF WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LESS LETHAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
DEADLY/ANIMAL	1	0	0	1	0	0	0	0	1	0	2	0	2	2	0	0	2	4	5
DEADLY/ANIMAL W/OC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	1
IMPACT MUNITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STOP STICKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER/ PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1
TASER	3	1	1	5	2	1	1	4	9	0	0	0	0	0	0	0	0	0	9
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46
JUSTIFIED	4	1	7	12	4	2	3	9	21	5	5	6	16	4	2	2	8	24	45
NOT JUSTIFIED	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46
NONE	4	1	7	12	4	2	3	9	21	5	5	6	16	4	2	2	8	24	45
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46

2018 USE OF FORCE REPORT

DEFENSE SELF / OTHER	0	0	1	1	0	0	0	0	1	0	0	2	2	0	0	0	0	2	3
MENTAL PATIENT	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	1
FIGHTING	0	0	1	1	1	0	2	3	0	0	0	0	0	1	0	2	3	3	6
RESISTING	2	1	4	7	1	1	1	3	10	4	3	4	11	0	2	0	2	13	23
EVADING	1	0	0	1	0	0	0	0	1	1	0	0	1	0	0	0	0	1	2
FAIL TO OBEY	0	0	1	1	1	0	1	2	3	0	0	0	0	1	0	0	1	1	4
PREVENT INJURY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PREVENT SUICIDE	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
ANIMAL	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
INJURED ANIMAL	1	0	0	1	0	0	0	0	1	0	1	0	1	2	0	0	2	3	4
ACCIDENTAL DISCHARGE	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
CROWD CONTROL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46

BLACK MALE	2	1	3	6	2	2	2	6	12	0	1	4	5	0	2	0	2	7	19
BLACK FEMALE	0	0	2	2	0	0	0	0	2	1	1	0	2	0	0	0	0	2	4
MULT. BLACK FEMALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MULT. BLACK MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WHITE MALE	0	0	0	0	1	0	0	1	1	2	0	2	4	1	0	2	3	7	8
MULT. WHITE MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WHITE FEMALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MULT. WHITE FEMALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HISPANIC MALE	1	0	2	3	0	0	1	1	4	1	1	0	2	1	0	0	1	3	7
MULT. HISPANIC MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HISPANIC FEMALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ANIMAL	1	0	0	1	0	0	0	0	1	0	2	0	2	2	0	0	2	4	5
MIXED CROWD	0	0	0	0	1	0	0	1	1	1	0	0	1	0	0	0	0	1	2
NONE	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46

ONE	1	0	4	5	3	0	1	4	9	0	1	1	2	2	1	0	3	5	14
TWO	1	1	2	4	1	2	1	4	8	5	1	5	11	2	1	0	3	14	22
THREE	2	0	2	4	0	0	1	1	5	0	3	0	3	0	0	2	2	5	10
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46

2018 USE OF FORCE REPORT

ONE	1	1	3	5	1	1	1	1	3	8	1	4	2	7	2	1	0	3	10	18
TWO	2	0	5	7	1	1	1	1	3	10	2	0	3	5	0	0	0	0	5	15
THREE	1	0	0	1	2	0	1	3	4	4	2	1	1	4	2	1	2	5	9	13
SMITH COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	1	8	13	4	2	3	9	22	5	5	5	6	16	4	2	2	8	24	46
<1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1 TO 5	1	1	3	5	0	0	1	1	6	3	2	1	6	0	1	1	2	8	14	14
5 TO 10	2	0	2	4	2	1	1	4	8	2	2	3	7	0	0	1	1	8	16	16
10 TO 15	1	0	1	2	1	0	1	2	4	0	0	1	1	1	1	0	0	1	2	6
15 TO 20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	2	2
20 +	0	0	2	2	1	1	0	2	4	0	1	1	1	2	1	1	0	2	4	8
TOTAL	4	1	8	13	4	2	3	9	22	5	5	5	6	16	4	2	2	8	24	46
JUVENILE	0	0	1	1	0	0	1	1	2	0	1	0	1	0	1	0	1	2	4	4
17-24	0	0	0	0	0	0	1	1	1	1	0	1	2	0	1	2	3	5	6	6
25-29	2	0	0	2	1	0	0	1	3	2	0	2	4	1	0	0	1	5	8	8
30-39	0	0	5	5	2	1	1	4	9	1	1	0	2	0	0	0	0	2	11	11
40-49	0	1	1	2	0	1	0	1	3	0	1	3	4	0	0	0	0	4	7	7
50+	0	0	0	0	1	0	0	1	1	1	0	0	1	1	1	0	1	2	3	3
UNKNOWN	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	1
OTHER (Animal / AD)	1	0	1	2	0	0	0	0	2	0	2	0	2	2	0	0	0	2	4	6
TOTAL	4	1	8	13	4	2	3	9	22	5	5	5	6	16	4	2	2	8	24	46
YES	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1	2	4	5	5
NO	4	1	8	13	4	2	3	9	22	4	5	6	15	3	1	0	4	19	41	41
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46	46
YES	0	0	0	0	1	0	0	1	1	3	1	2	6	1	0	1	2	8	9	9
NO	4	1	8	13	3	2	3	8	21	2	4	4	10	3	2	1	6	16	37	37
TOTAL	4	1	8	13	4	2	3	9	22	5	5	6	16	4	2	2	8	24	46	46

2017 USE OF FORCE REPORT

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12 MO
PHYSICAL	0	0	0	0	0	0	0	0	0	1	0	0	1	2	2	0	4	5	5
IMPACT WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY	0	6	3	9	3	3	1	7	16	3	0	3	6	1	0	2	3	9	25
OC / PHYSICAL	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1
OC SPRAY/TASER	0	0	0	0	1	0	1	2	2	0	0	0	0	0	0	0	0	0	2
OC/HARD EMPTY HANDS	0	0	0	0	1	0	1	2	2	0	0	0	0	0	0	0	0	0	2
OC / POINTING FIREARM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC / IMPACT WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1
PEPPERBALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POINTING OF WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LESS LETHAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1
DEADLY/ANIMAL	0	1	0	1	0	0	0	0	1	1	0	0	1	0	0	0	0	1	2
DEADLY/ANIMAL W/OC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPACT MUNITION	0	2	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
STOP STICKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER/PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER	0	4	4	8	1	3	1	5	13	1	1	0	2	0	0	0	0	2	15
TOTAL	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	19	56
JUSTIFIED	0	13	7	20	6	7	4	17	37	6	1	3	10	3	2	3	8	18	55
NOT JUSTIFIED	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1
TOTAL	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	19	56
NONE	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	19	56
REMEDIATION TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	19	56

2017 USE OF FORCE REPORT

[illegible]

2017 USE OF FORCE REPORT

ONE	0	10	2	12	2	3	1	6	18	3	1	0	4	2	2	1	5	9	27
TWO	0	2	2	4	1	1	1	3	7	3	0	1	4	1	0	2	3	7	14
THREE	0	1	3	4	3	3	1	7	11	0	0	2	2	0	0	0	0	2	13
SMITH COUNTY	0	0	0	0	0	0	1	1	1	1	0	0	1	0	0	0	0	1	2
TOTAL	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	18	56
<1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1 TO 5	0	1	1	2	2	4	0	6	8	4	0	2	6	1	1	0	2	8	16
5 TO 10	0	4	4	8	1	1	0	2	10	0	1	1	2	0	1	1	2	4	14
10 TO 15	0	1	0	1	1	1	1	3	4	1	0	0	1	0	0	1	1	2	6
15 TO 20	0	4	0	4	1	0	1	2	6	0	0	0	0	1	0	0	1	1	7
20 +	0	3	2	5	1	1	2	4	9	2	0	0	2	1	0	1	2	4	13
TOTAL	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	19	56
YES	0	0	0	0	0	0	0	0	0	1	1	0	2	1	0	1	2	4	4
NO	0	13	7	20	6	7	4	17	37	6	0	3	9	2	2	2	6	15	52
TOTAL	0	13	7	20	6	7	4	17	37	7	1	3	11	3	2	3	8	19	56

2016 USE OF FORCE REPORT

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	2	2	2
IMPACT WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY	2	1	2	5	3	4	3	10	15	2	1	5	8	0	0	2	2	10	25
OC / PHYSICAL	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1
OC SPRAY/TASER	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
OC/HARD EMPTY HANDS	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
OC / POINTING FIREARM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC / RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC / IMPACT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POINTING OF WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LESS LETHAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY/ANIMAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY/ANIMAL W/OC	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1
RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPACT MUNITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STOP STICKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER/ PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER	1	0	0	1	0	1	1	2	3	0	1	1	2	2	1	0	3	5	8
TOTAL	3	1	2	6	4	6	4	14	20	3	3	8	14	2	1	2	5	19	39
JUSTIFIED	2	1	2	5	4	6	3	13	18	3	3	8	14	2	1	2	5	19	37
NOT JUSTIFIED	1	0	0	1	0	0	1	1	2	0	0	0	0	0	0	0	0	0	2
TOTAL	3	1	2	6	4	6	4	14	20	3	3	8	14	2	1	2	5	19	39
NONE	2	1	2	5	4	6	4	14	19	3	3	8	14	2	1	2	5	19	38
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	3	1	2	6	4	6	4	14	20	3	3	8	14	2	1	2	5	19	39

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DEFENSE SELF / OTHER	0	0	0	0	0	0	0	0	0	0	1	1	1	3	1	0	0	1	4	4
MENTAL PATIENT	0	0	1	1	0	0	1	2	0	0	0	2	1	2	1	0	0	1	3	5
FIGHTING	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1	1	1	2
RESISTING	1	1	1	3	2	5	3	10	13	0	0	1	4	5	0	0	1	1	6	19
EVADING	2	0	0	2	1	0	0	1	3	0	0	1	0	1	0	1	0	1	2	5
FAIL TO OBEY	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	1
PREVENT INJURY	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	1	1
PREVENT SUICIDE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ANIMAL	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	1	1
INJURED ANIMAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ACCIDENTAL DISCHARGE	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	1
CROWD CONTROL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	3	1	2	6	4	4	14	20	3	3	3	8	14	2	1	2	5	19	39	39

BLACK MALE	3	1	0	4	1	0	2	3	7	1	2	7	10	1	1	1	3	13	20	20
BLACK FEMALE	0	0	1	1	0	1	1	2	3	1	0	0	1	0	0	0	0	1	4	4
MULT. BLACK FEMALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1
MULT. BLACK MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WHITE MALE	0	0	0	0	0	2	0	2	2	0	0	0	0	0	1	0	0	1	3	3
MULT. WHITE MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WHITE FEMALE	0	0	0	0	2	0	0	2	2	0	0	0	0	0	0	0	0	0	2	2
MULT. WHITE FEMALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HISPANIC MALE	0	0	1	1	1	3	0	4	5	0	1	1	2	0	0	0	0	2	7	7
MULT. HISPANIC MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HISPANIC FEMALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ANIMAL	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1	1
MIXED CROWD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NONE	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	1
TOTAL	3	1	2	6	4	6	4	14	20	3	3	8	14	2	1	2	5	19	39	39

ONE	0	0	0	0	1	0	0	1	1	0	2	3	5	1	1	1	3	8	9	9
TWO	2	0	1	3	2	3	2	7	10	0	0	2	2	0	0	0	0	2	12	12
THREE	1	1	1	3	1	3	2	6	9	3	1	3	7	1	0	1	2	9	18	18
TOTAL	3	1	2	6	4	6	4	14	20	3	3	8	14	2	1	2	5	19	39	39

ONE	2	1	1	4	3	4	3	10	14	3	2	7	12	1	0	1	2	14	28	28
TWO	1	0	1	2	1	0	0	1	3	0	1	1	2	0	1	1	2	4	7	7

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THREE	0	0	0	0	2	0	2	2	0	0	0	0	1	0	0	0	1	1	1	3
SMITH COUNTY	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	1
HENDERSON COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENDERSON COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	3	1	2	6	4	4	14	20	3	3	8	14	2	1	2	5	19	39		
<1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1 TO 5	2	1	1	4	1	4	3	8	12	2	1	1	4	0	0	1	1	5	17	
5 TO 10	0	0	1	1	1	0	2	3	0	1	4	5	1	0	0	1	6	9		
10 TO 15	0	0	0	0	0	1	0	1	1	1	0	1	2	0	0	0	2	3		
15 TO 20	1	0	0	1	2	0	1	3	4	0	1	2	3	0	1	0	1	4	8	
20 +	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	2	2	2	
TOTAL	3	1	2	6	4	4	14	20	3	3	8	14	2	1	2	5	19	39		
YES	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1	
NO	3	1	2	6	4	5	4	13	19	3	3	8	14	2	1	2	5	19	38	
TOTAL	3	1	2	6	4	6	4	14	20	3	3	8	14	2	1	2	5	19	39	

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INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
PHYSICAL	0	3	0	3	0	0	0	0	3	1	0	1	2	0	0	1	1	3	6
IMPACT WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY	1	2	1	4	5	2	0	7	11	1	4	2	7	1	0	1	2	9	20
OC / PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	1
OC SPRAY/TASER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC/HARD EMPTY HANDS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC / POINTING FIREARM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC / RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PEPPERBALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POINTING OF WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LESS LETHAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY/ANIMAL	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	1
DEADLY/ANIMAL W/OC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RESTRAINT	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
IMPACT MUNITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STOP STICKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER/PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER	0	0	2	2	6	0	0	6	8	4	1	1	6	1	1	1	3	9	17
TOTAL	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46
JUSTIFIED	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46
NOT JUSTIFIED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46
NONE	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46

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[illegible]

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ONE	0	3	2	5	5	1	0	6	11	3	4	5	12	0	0	2	2	14	25
TWO	1	1	0	2	2	0	0	2	4	0	0	1	1	1	1	0	2	3	7
THREE	1	1	1	3	4	1	0	5	8	3	1	0	4	1	0	1	2	6	14
SMITH COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENDERSON COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENDERSON COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46
<1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1 TO 5	1	2	0	3	6	0	0	6	9	2	3	2	7	0	0	3	3	10	19
5 TO 10	0	1	0	1	2	1	0	3	4	3	2	2	7	1	1	0	2	9	13
10 TO 15	0	0	0	0	0	0	0	0	0	1	0	1	2	0	0	0	0	2	2
15 TO 20	0	2	2	4	2	1	0	3	7	0	0	0	0	1	0	0	1	1	8
20 +	1	0	1	2	1	0	0	1	3	0	0	1	1	0	0	0	0	1	4
TOTAL	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46
YES	0	0	1	1	5	0	0	5	6	1	1	1	3	0	0	0	0	3	9
NO	2	5	2	9	6	2	0	8	17	5	4	5	14	2	1	3	6	20	37
TOTAL	2	5	3	10	11	2	0	13	23	6	5	6	17	2	1	3	6	23	46

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INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
PHYSICAL	0	0	0	0	0	3	0	3	3	1	2	0	3	1	0	0	1	4	7
IMPACT WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY	4	1	2	7	1	0	1	2	9	4	2	2	8	1	0	2	3	11	20
OC / PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	2	2	2
OC SPRAY/TASER	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	2	2	2
OC/HARD EMPTY HANDS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC / POINTING FIREARM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC/ RESTRAINT	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
OC/PEPPERBALL	0	0	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
POINTING OF WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LESS LETHAL	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
DEADLY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY/ANIMAL	0	0	1	1	0	0	0	0	1	0	0	1	1	0	0	0	0	1	2
DEADLY/ANIMAL W/OC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPACT MUNITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STOP STICKS	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1
TASER/ PHYSICAL	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
TASER	0	2	2	4	2	2	3	7	11	2	4	1	7	0	2	0	2	9	20
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59
JUSTIFIED	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59
NOT JUSTIFIED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59
NONE	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59

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DEFENSE SELF / OTHER	0	0	0	0	1	2	0	3	3	0	0	0	0	0	2	0	0	2	2	5
MENTAL PATIENT	0	0	0	0	1	1	0	2	2	0	0	0	0	0	0	2	0	2	2	4
FIGHTING	0	0	0	0	0	0	0	0	0	2	0	1	3	0	0	0	0	0	3	3
RESISTING	4	4	6	14	1	2	3	6	20	4	7	1	12	2	1	3	6	18	38	
EVADING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1
FAIL TO OBEY	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	1
PREVENT INJURY	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	1
PREVENT SUICIDE	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	0	3	3	3
ANIMAL	0	0	1	1	0	0	0	0	1	0	0	2	2	0	0	0	0	2	3	3
INJURED ANIMAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ACCIDENTAL DISCHARGE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CROWD CONTROL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59	
BLACK MALE	0	0	1	1	3	0	3	6	7	4	6	0	10	4	2	2	8	18	25	
BLACK FEMALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MULT. BLACK FEMALES	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	1	1
MULT. BLACK MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WHITE MALE	2	4	2	8	0	5	1	6	14	0	3	0	3	0	1	1	2	5	19	
MULT. WHITE MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WHITE FEMALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MULT. WHITE FEMALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HISPANIC MALE	2	0	3	5	0	0	0	0	5	3	1	1	5	0	0	0	0	5	10	
MULT. HISPANIC MALES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HISPANIC FEMALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ANIMAL	0	0	1	1	0	0	0	0	1	0	0	2	2	0	0	0	0	2	3	
MIXED CROWD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NONE	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1	
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59	
ONE	2	1	4	7	1	1	1	3	10	1	3	1	5	2	0	0	2	7	17	
TWO	0	2	3	5	2	3	2	7	12	6	0	1	7	3	0	1	4	11	23	
THREE	2	1	0	3	0	1	1	2	5	0	7	2	9	0	3	2	5	14	19	
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59	

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ONE	2	2	5	9	1	2	3	6	15	3	0	3	6	3	0	1	4	10	25
TWO	2	0	2	4	2	3	0	5	9	3	7	1	11	2	2	2	6	17	26
THREE	0	2	0	2	0	0	1	1	3	1	3	0	4	0	1	0	1	5	8
SMITH COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENDERSON COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENDERSON COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59
<1	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1
1 TO 5	2	2	1	5	2	2	0	4	9	3	2	1	6	0	1	1	2	8	17
5 TO 10	1	1	5	7	0	0	1	1	8	1	3	1	5	2	2	2	6	11	19
10 TO 15	1	0	0	1	1	0	0	1	2	1	1	2	4	2	0	0	2	6	8
15 TO 20	0	1	0	1	0	1	2	3	4	1	3	0	4	1	0	0	1	5	9
20 +	0	0	1	1	0	1	1	2	3	1	1	0	2	0	0	0	2	5	5
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59
YES	0	0	3	3	0	1	0	1	4	1	6	0	7	1	0	0	1	8	12
NO	4	4	4	12	3	4	4	11	23	6	4	4	14	4	3	3	10	24	47
TOTAL	4	4	7	15	3	5	4	12	27	7	10	4	21	5	3	3	11	32	59

2013 USE OF FORCE REPORT

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
PHYSICAL	0	1	0	1	1	1	1	3	4	1	2	0	3	1	0	0	1	4	8
IMPACT WEAPON	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
OC SPRAY	0	1	1	2	1	4	0	5	7	0	4	1	5	1	0	1	2	7	14
OC / PHYSICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC SPRAY/TASER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1
OC/HARD EMPTY HANDS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1
OC / POINTING FIREARM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC/RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	1
PEPPERBALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POINTING OF WEAPON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LESS LETHAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEADLY	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
DEADLY/ANIMAL	1	2	0	3	0	0	0	0	3	0	0	4	4	0	0	0	0	4	7
DEADLY/ANIMAL W/OC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RESTRAINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPACT MUNITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STOP STICKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TASER/PHYSICAL	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
TASER	5	0	0	5	5	1	1	7	12	1	5	0	6	0	0	1	1	7	19
TOTAL	8	4	1	13	8	6	2	16	29	2	11	6	19	2	0	4	6	25	54
JUSTIFIED	8	4	1	13	8	5	2	15	28	2	11	6	19	2	0	4	6	25	53
NOT JUSTIFIED	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1
TOTAL	8	4	1	13	8	6	2	16	29	2	11	6	19	2	0	4	6	25	54
NONE	8	4	1	13	8	5	2	15	28	2	11	6	19	2	0	4	6	25	53
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	8	4	1	13	8	6	2	16	29	2	11	6	19	2	0	4	6	25	54

2013 USE OF FORCE REPORT

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2013 USE OF FORCE REPORT

ONE	2	1	0	3	2	3	1	6	9	1	2	1	4	0	0	1	1	5	14
TWO	4	1	1	6	1	3	1	5	11	1	6	4	11	1	0	1	2	13	24
THREE	2	1	0	3	5	0	0	5	8	0	2	1	3	1	0	2	3	6	14
SMITH COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAN ZANDT COUNTY	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
GREGG COUNTY	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
TOTAL	8	4	1	13	8	6	2	16	29	2	11	6	19	2	0	4	6	24	54
<1	0	0	0	0	0	0	0	0	0	0	2	1	3	0	0	0	0	3	3
1 TO 5	5	0	0	5	2	1	1	4	9	1	4	0	5	0	0	2	2	7	16
5 TO 10	2	3	0	5	1	3	0	4	9	0	1	1	2	1	0	1	2	4	13
10 TO 15	0	0	0	0	3	0	1	4	4	0	2	2	4	0	0	1	1	5	9
15 TO 20	0	1	1	2	1	1	0	2	4	0	1	2	3	1	0	0	1	4	8
20 +	1	0	0	1	1	1	0	2	3	1	1	0	2	0	0	0	2	5	5
TOTAL	8	4	1	13	8	6	2	16	29	2	11	6	19	2	0	4	6	25	54
YES	1	1	0	2	3	0	0	3	5	1	4	0	5	0	0	0	0	5	10
NO	7	3	1	11	5	6	2	13	24	1	7	6	14	2	0	4	6	20	44
TOTAL	8	4	1	13	8	6	2	16	29	2	11	6	19	2	0	4	6	25	54

2018 EXTERNAL COMPLAINTS

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
EXCESSIVE FORCE	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1
HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPROPER CONDUCT	0	0	0	0	1	1	1	3	3	0	0	0	0	0	2	0	2	2	5
IMPROPER PROCEDURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RACIAL PROFILING	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
TOTAL	0	0	0	0	2	1	1	4	4	0	0	0	0	1	2	0	3	3	7
UNFOUNDED	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	1
NOT SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSTAINED	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
EXONERATED	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
ADMIN INQUIRY	0	0	0	0	0	0	1	1	1	0	0	0	0	1	2	0	3	3	4
POLICY FAILURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	2	1	1	4	4	0	0	0	0	1	2	0	3	3	7
NONE	0	0	0	0	1	1	1	3	3	0	0	0	0	1	2	0	3	3	6
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	2	1	1	4	4	0	0	0	0	1	2	0	3	3	7

2017 EXTERNAL COMPLAINTS

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
EXCESSIVE FORCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPROPER CONDUCT	0	0	0	0	0	0	1	1	1	0	1	0	1	1	0	1	2	3	4
IMPROPER PROCEDURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RACIAL PROFILING	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1
TOTAL	0	0	0	0	0	0	1	1	1	0	1	0	1	2	0	1	3	4	5
UNFOUNDED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOT SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EXONERATED	0	0	0	0	0	0	1	1	1	0	1	0	1	2	0	1	3	4	5
ADMIN INQUIRY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POLICY FAILURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	1	1	1	0	1	0	1	2	0	1	3	4	5
NONE	0	0	0	0	0	0	1	1	1	0	1	0	1	2	0	1	3	4	5
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	1	1	1	0	1	0	1	2	0	1	3	4	5

2016 EXTERNAL COMPLAINTS

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
EXCESSIVE FORCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPROPER CONDUCT	1	1	1	3	0	0	0	0	3	0	1	0	1	1	1	0	2	3	6
IMPROPER PROCEDURE	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
RACIAL PROFILING	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
TOTAL	1	2	1	4	0	0	0	0	4	0	2	0	2	1	1	0	2	4	8
UNFOUNDED	1	1	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
NOT SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EXONERATED	0	0	0	0	0	0	0	0	0	0	1	0	1	0	1	0	1	2	2
ADMIN INQUIRY	0	1	1	2	0	0	0	0	2	0	1	0	1	1	0	0	1	2	4
POLICY FAILURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	1	2	1	4	0	0	0	0	4	0	2	0	2	1	1	0	2	4	8
NONE	1	2	1	4	0	0	0	0	4	0	2	0	2	1	1	0	2	4	8
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	1	2	1	4	0	0	0	0	4	0	2	0	2	1	1	0	2	4	8

2015 EXTERNAL COMPLAINTS

INFORMATION	JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
EXCESSIVE FORCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPROPER CONDUCT	0	0	0	0	0	1	0	1	1	0	1	1	0	0	0	1	3	4	4
IMPROPER PROCEDURE	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	1	1	1
RACIAL PROFILING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1
TOTAL	0	0	0	0	0	1	0	1	1	0	1	2	1	1	1	3	5	6	6
UNFOUNDED	0	0	0	0	0	0	0	0	1	1	2	0	1	1	2	4	4	4	4
NOT SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSTAINED	0	0	0	0	0	1	0	1	0	0	0	1	0	0	1	1	1	2	2
EXONERATED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ADMIN INQUIRY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POLICY FAILURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	1	0	1	1	1	2	1	1	1	3	5	6	6	6
NONE	0	0	0	0	0	0	0	0	1	1	2	0	1	1	2	4	4	4	4
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1	1	1
ORAL	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	1	0	1	1	1	2	1	1	1	3	5	6	6	6

2014 EXTERNAL COMPLAINTS

INFORMATION		JAN	FEB	MAR	TOT	APR	MAY	JUN	TOT	6 MO	JUL	AUG	SEP	TOT	OCT	NOV	DEC	TOT	6 MO	12MO
EXCESSIVE FORCE	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1
HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPROPER CONDUCT	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
IMPROPER PROCEDURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RACIAL PROFILING	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	2	3	3
TOTAL	0	0	0	0	0	0	0	0	0	0	1	1	1	3	0	0	2	2	5	5
UNFOUNDED	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	2	3	3
NOT SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EXONERATED	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	1
ADMIN INQUIRY	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1
POLICY FAILURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	1	1	3	0	0	2	2	5	5
NONE	0	0	0	0	0	0	0	0	0	0	1	1	1	3	0	0	2	2	5	5
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	1	1	3	0	0	2	2	5	5

[illegible]

EXCESSIVE FORCE	0	0	0	0	0	3	0	0	0	3	3	0	0	0	0	0	0	0	0
HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IMPROPER CONDUCT	0	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
IMPROPER PROCEDURE	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	1
RACIAL PROFILING	0	0	1	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
TOTAL	0	1	1	2	3	0	0	0	1	0	5	0	1	0	0	0	0	1	6
UNFOUNDED	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	1
NOT SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSTAINED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EXONERATED	0	0	1	1	2	0	0	0	0	0	3	0	0	0	0	0	0	0	3
ADMIN INQUIRY	0	1	0	1	0	0	0	0	1	0	1	0	1	0	0	0	0	1	2
POLICY FAILURE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	2	3	0	0	0	1	0	5	0	1	0	0	0	0	1	6
NONE	0	1	1	2	3	0	0	0	1	0	5	0	1	0	0	0	0	1	6
REMEDIAL TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COUNSELING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	1	2	3	0	0	0	1	0	5	0	1	0	0	0	0	1	6

Incident Report Additional Name List

Tyler Police Department

OCA: 13-000003

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 3	FUENTES, ANGELICA MARIA		[REDACTED]	44	W	F
	Address 603 E Queen St, Tyler, MO		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
2) IO 4	VENEGAS, CARMEN MARIA		[REDACTED]	28	W	F
	Address 811 Montgomery Garden, Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
3) IO 5	PRECIADO, JOSE RICO		[REDACTED]	31	W	M
	Address 811 Montgomery Garden, Tyler, TX 75708-		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
4) IO 6	FUENTES, ERICA NICOLE		[REDACTED]	27	W	F
	Address 102 Sawyer Ln Apt. 2, Florence, TX 76527-		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
5) IO 7	BLAS, YUNUEN		[REDACTED]	18	W	F
	Address 420 Hillcrest Av, Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr Jt Hs		B: - -			
			Mobile #: - -			
6) IO 8	REYES, BULMARO NAVA		[REDACTED]	26	W	M
	Address 102 Sawyer Ln Apt. 2, Florence, TX 76527-		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
7) IO 9	FUENTES, JUAN ESTEVES		[REDACTED]	52	W	M
	Address 603 E Queen St, Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: [REDACTED]			
8) IO 10	IBARRA, POLO		[REDACTED]	13	W	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr [REDACTED]		B: [REDACTED]			
			Mobile #: 903- -			
9) IO 11	FUENTES, LUIS ANGEL		[REDACTED]	17	W	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			

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Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
10) IO 12	LOPEZ, JUANA Address 601 E Queen , Tyler, TX Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	36	W	F
11) IO 13	QUINTERO, FRANCISCO VALDEZ Address 517 E Queen , Tyler, TX 75702- Empl/Addr Striping Technology, Stripingte		[REDACTED] H: [REDACTED] B: - - Mobile #: [REDACTED]	50	W	M
12) IO 14	BAGGETT, JAMES RICKY Address 516 E Queen , Tyler, TX 75702- Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	65	W	M
13) IO 15	HERNANDEZ, MARCELLO Address 518 E Queen , Tyler, TX 75702- Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	37	W	M
14) IO 16	OCHOA, TRACY Address [REDACTED] Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	13	W	F
15) IO 17	BLAS, RUFINA ESPINOZA Address 609 E Queen , Tyler, TX 75702- Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	57	W	F
16) IO 18	RODELA, ADRIAN MORALES Address 308 Ford , Tyler, TX 75702- Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	52	W	M
17) IO 19	RODELA, ADRIAN NOE JR Address 308 Ford St , Tyler, TX 75701- Empl/Addr Adrians Customs, 610 N Glenwood, Tyler		[REDACTED] H: [REDACTED] B: [REDACTED] Mobile #: - -	25	W	M
18) IO 20	PEREZ, LIDIA Address 807 S Houston St , Bullard, TX 75757- Empl/Addr Foot Locker, 4601 S Broadway Av		[REDACTED] H: [REDACTED] B: [REDACTED] Mobile #: [REDACTED]	27	W	F

Incident Report Additional Name List

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Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
19) IO 21	VARGAS GOMEZ, JOSE JULIAN		[REDACTED]	34	U	M
	Address 612 Rosedale , Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
20) IO 22	LEON, JUAN MUNDO		[REDACTED]	67	W	M
	Address 606 E Rosedale St , Tyler, TX		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
21) IO 23	HALE, COLLIN				W	M
	Address 711 W Ferguson , Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr City Of Tyler Police Dept		B: - -			
			Mobile #: - -			
22) IO 24	LOTT, BRANDON				W	M
	Address 711 W Ferguson , Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr City Of Tyler Police Dept		B: - -			
			Mobile #: - -			
23) IO 25	RIGGLE, JOHN MATTHEW				W	M
	Address 711 W Ferguson , Tyler, TX 75702-		H: [REDACTED]			
	Empl/Addr City Of Tyler Police Dept		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Tyler Police Department

Case # 13-000003

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown						
D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
Assisting Officers						

Suspect Hate / Bias Motivated: None

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 13-000003

Tyler Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE

Tyler Police Department

Victim <i>FUENTES, VICTOR ALFONZO</i>	Offense <i>HOMICIDE - JUSTIFIABLE</i>	OCA <i>13-000003</i>
		Date / Time Reported <i>Tue 01/01/2013 06:13</i>

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HTE Department Classification: HOMICIDE

-----ORIGINAL NARRATIVE-----

Reporting Officer: ELLIOTT, NATHAN (10039)
 Added By Employee: ELLIOTT, NATHAN (10039)
 Supplemental Supervisor: YATES, BILLY (10067)
 Added Date: 01/04/2013

On 01-01-13, at approximately 0030, I was contacted by Sgt. Yates in reference to a Tyler Police Department Officer J. Riggle that had just been involved in a shooting. I was the on call detective for the crimes against persons unit, so I responded to 603 E. Queen where the shooting occurred. Upon arrival, I contacted several officers and Sgt. Burton. There was crime scene tape up around the residence to secure the residence. There were officers stationed around the residence since there was a large crown outside the crime scene tape. The residence is a single family dwelling that is white/cream stucco on the outside of the residence. The numbers 603 are attached to the brick mailbox beside the driveway. I walked up the driveway that is on the east of this residence and there was a piece of wood smoking just feet from the east side door of this residence. There was a wood patio over this door and appeared people were sitting under this patio while the fire burned. There was concrete on the ground under the patio and there was brick laid on the ground to the back of the residence. I noticed several chairs under the patio and a blue cooler that had shot glass on the cooler. There was an empty beer bottle and a bottle of liquor lying close to the cooler. There was an LG cell phone lying on the ground close to the side door that was later determined to be Yaneth Fuentes cell phone. I walked to the southeast part of the residence and I began to see brass spent shell casings on the ground. It was raining at this time and I could tell the brass casings to be fresh shells. I walked to the back of the residence and continued to see more spent brass shell casings. At the back of the residence, there is a brick retaining wall about three to four feet from the residence. There is a concrete side walk that is between the residence and retaining wall. In the back yard is a wooden storage that had wire around the sides and a wooden cover over the top. On one of the wooden poles Nortenos was spray painted down the wooden pole. I know based on my training and experience that this is a known criminal street gang that operates in Tyler, TX. On a piece of wood above this wood pole stated NSB Nortenos spray painted in red. There is a door at the back of the residence which faces south. This door was open and it leads into a bedroom. I walked to the door frame and saw a Hispanic male lying on the bedroom floor deceased. The Hispanic male was lying on left side with his face facing southwest. The Hispanic males feet were north of where his head was. The Hispanic male was wearing a black jacket, dark jeans and black shoes. The Hispanic male was handcuffed in the front. There was blood on the

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floor behind the Hispanic male and live round bullets by his head.

Sgt. Yates and Assistant Chief Sharron arrived on scene and I contacted them. I was told that Officer B. Lott and Officer C. Hale were on scene at the time of the shooting with Officer J. Riggle. Sgt. Yates and Asst. Chief Sharron walked to the back of residence to look at the scene of the shooting. Sgt. Yates advised he instructed Det. C. Shine to go to the Tyler Police Department to obtain a search warrant for this residence. Asst. Chief Sharron contacted Officer Lott, who gave a brief description of what occurred. Officer Lott stated that were in the area to investigate gunshots being fired in this area. Officer Lott stated Officer Riggle and Officer Hale were riding together and they parked on E. Queen Street to investigate the gunfire. Officer Lott stated they determined the gunfire was coming from the back of 603 E. Queen and went to investigate. Officer Lott had his patrol rifle with him as did Officer Riggle. Officer Lott stated they walked south between 601 E. Queen and 603 E. Queen to get a better look at the back the residence of 603 E. Queen. Officer Lott stated once at the back of the residence, he could see someone shooting a weapon because he could see the muzzle flash coming out of the weapon. Officer Lott stated he proceeded to walk south to the back yard of 603 E. Queen while Officer Riggle was at the southwest corner of the residence. Officer Lott stated once he got to the back yard where he could see the back door, he saw a Hispanic male standing in the door frame holding a pistol. Officer Lott stated he told the other officers the male had a weapon and Officer Lott pointed his patrol rifle that has a flashlight mounted to it. Officer Lott illuminated the male with his light and began giving the Hispanic male commands to drop his weapon. Officer Lott stated the Hispanic male then walked back into the residence and he started to move east to get a better look through the door into the residence. Officer Lott stated Officer Riggle walked east along the back of the residence to the back door. Officer Lott stated he became tangled in some tree limbs and wire and Officer Riggle was standing in the door frame. Officer Riggle continued to give the Hispanic male commands to drop his weapon. Officer Lott stated he couldnt see the Hispanic male and then Officer Riggle fired several shots at the Hispanic male. Officer Lott stated Officer Riggle struck the Hispanic male with the bullets and they secured the scene.

I began to try and find out the identification of the Hispanic male that was deceased in the residence. I went to the crowd of people that was east of the residence that was behind the crime scene tape. There were several individuals that were extremely upset and kept saying that the police couldnt break into a house and shoot someone. I contacted a male, who showed me where I could locate the mother of the deceased Hispanic male. I contacted Angelica Fuentes, who stated she lived at 603 E. Queen. Angelica stated her son is the residence is named Victor Fuentes [REDACTED]. Angelica stated they were

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told to go to the hospital to find her son, but once at the hospital, Victor wasn't there. I explained to Angelica that Victor was still inside the residence and no one could go inside the residence. I explained to her that a search warrant was being obtained to go into the residence. I advised Angelica that I would be back with her in a few minutes.

I went back into the crime scene where I contacted Sgt. Burton, who advised he secured Officer Riggles firearm. Sgt. Burton stated Officer Riggles is at the police department and Sgt. Burton had contacted Attorney Buck Files for Officer Riggles. I asked Sgt. Burton about the Coban videos from the officers vehicle and he later went to the police department and obtained the hard drives from the vehicles.

Det. Roberts arrived on scene and began to speak with some of the family members.

I was contacted by Det. Shine by phone and I gave him a description of the 603 E. Queen to obtain the search warrant. I gave Det. Shine a description of all the vehicles in the driveway and license plate. When I arrived, a teal colored Chevy 1500 pickup (Texas license plate [REDACTED]) was backing out of the driveway and parked in front of the residence. I gave the description of this truck to Det. Shine to obtain a separate search warrant for his vehicle.

I contacted Carmen Venegas and Jose Preciado who were sitting inside the teal Chevy 1500 truck that was parked in front of the residence. Carmen and Preciado were in the vehicle with their small child to stay out of the rain. I contacted Carmen first, who told me originally that her name was Celina Venegas. Carmen later admitted that she lied to me because she was scared. The interview with Carmen was recorded and later downloaded. The following is paraphrased from the interview with Carmen. Carmen stated her sister (Yaneth Fuentes) lives at this residence and Victor is her husband. Carmen stated her and Preciado came to this residence on this night at around 2330. Carmen stated they were on the east side porch popping fire crackers and she heard someone shooting a gun. Carmen didn't know if the person was shooting up in the air or shooting in the ground. Carmen stated they then heard gunshots from inside the residence and she went inside. Carmen stated everyone went inside and found out Victor was laying on the ground. I asked Carmen if Victor had a gun and she stated she didn't see him with one. Carmen stated there were gunshots around the neighborhood and stated everyone around started shooting at midnight. Carmen stated she was waiting for the gunshots to stop before she left the residence. Carmen stated she didn't hear anyone say anything or screaming before the gunshots inside the residence. Carmen stated she didn't see anyone at 603 E. Queen with a gun. Carmen agreed to be frisked for weapons and Officer Tizcareno later patted Carmen down for weapons in front of Sgt. Balderas patrol vehicle video camera. There

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werent any weapons located on Carmens person.

I then contacted Preciado and had Officer Tizcareno translate for Preciado. Officer Tizcareno gathered Preciados information and had him explain what occurred. Preciado stated the teal Chevy 1500 truck is his truck. Preciado stated he and Carmen arrived at 2100 or later, but didnt remember. Preciado stated there was a fire on the porch and he heard gunshots coming from the back of the residence. Preciado stated he didnt know who was shooting in the back yard of the residence. Preciado stated they then heard gunshots from inside the residence. Preciado stated when he got inside the officers were inside the residence. Preciado stated he didnt know who was shooting, but knows someone was shooting from the back yard of 603 E. Queen. I asked Preciado if he had any weapons on his person and he stated he didnt. Preciado agreed to let Officer Tizcareno pat him down for weapons, which none were located.

Det. Roberts had contacted the family and Attorney Bo Sinclair arrived on scene. Det. Robert was able to get the family from 603 E. Queen to go to the police department to be interviewed.

Smith County District Attorney M. Bingham, Smith County District Attorney Investigator M. Lazarine and DPS Texas Ranger B. Davis were on scene. Crime Scene Sgt. Rackliff had arrived to process the scene.

We were waiting for Det. Shine to finish the search warrant, so I went to the police department to help Det. Roberts interview witnesses.

Once at the police department, Attorney Bo Sinclair and Attorney Christina Davis stated they were representing the family members and other individuals at the residence when the shooting occurred.

I was contacted by Internal Affairs Sgt. Thornhill, who had two hard drives from Officer Hale and Officer Lotts vehicle. I took possession of the two hard drives and secured them in my locked cabinet.

I contacted SWIFFS and gave them Victor Fuentes information and the details of this case. I asked SWIFFS to complete a GSR test on Victors hands. The reference case number for SWIFFS is 13-00012.

I took Erica Fuentes and Davis to the interview room 3 to conduct an interview with Erica. The interview was recorded using video and audio equipment. Erica identified herself by giving her identifying information. I told Erica that she wasnt under arrest and was free to leave at any time, which she understood. Erica was advised of the statute of false report and she stated she understood. The following is paraphrased from the interview with Erica. Erica stated she lives in Florence, TX and was in Tyler, TX visiting her family. Erica

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stated her mother (Angelica Fuentes), father (Juan Fuentes), brother (Luis Fuentes), brother (Victor Fuentes), Victor's girlfriend (Yaneth Fuentes) and their three children and Luis girlfriend (Yunuen Blas) all live at the residence on 603 E. Queen. Erica stated she arrived in Tyler on Sunday (12-30-12) to visit her family. Erica stated her boyfriend (Bulmaro Reyes) was in town with her. I asked Erica who all was at the residence when the shooting occurred. Erica stated Angelica, Juan, Victor, Luis, Janet, Janet's children (Kimberly, Hector, Javier), Blas, Erica's children (Alex and Natalie), Janet's dad, Janet's two brothers and Reyes. Erica stated everyone was in the living room with the east side door open because her father made a fire on the patio outside of the east door. Erica stated they were cooking out and popping fire crackers. Erica didn't know what time it was, but then heard three loud gun shots. Erica stated she believed the gunshots came from inside the residence. Erica stated everyone went into the living room and saw a police officer, who told them to get on the ground. Erica stated the entire neighborhood was shooting guns and they didn't know what occurred. Erica stated everyone was scared because they didn't know what happened. Erica stated her brother asked the officer if he had a warrant and the officer told him to get on the ground. Erica's mother then saw that Victor was on the ground. Erica stated the officers then told them to get out of the residence. Erica stated the officers told them that there was a crime, but they didn't know what crime had been committed. Erica stated she knew the officers were wearing a Tyler Police Department uniform.

Erica stated the small children had little fireworks and her boyfriend (Reyes) had some fireworks that shoot in the air. Erica stated Reyes was at the back of the residence because he was shooting fireworks you hold in the air and where her father (Juan) and brother (Victor) were at. I asked Erica what they were doing at the back of the residence and Erica stated her father was shooting a gun. Erica didn't know what kind of gun her father was shooting, but it was a small gun. Erica stated her brother didn't have a gun as far as she knows because they never saw him with a gun. Erica stated she thinks her father shot five or six times in the back yard close to midnight. Erica stated about five minutes before midnight, everyone started popping fireworks. Erica went onto to speak that she didn't like the way the officers treated her family. I asked Erica if Victor was in a gang and she stated he wasn't. Erica stated her other brother (Juan Fuentes) was in a gang and is in prison now. Erica stated her brother was in the Nortenos gang.

I then contacted Yunuen Blas and she was taken to the interview room 3. Davis was also in the room with Blas. The interview was recorded using video and audio equipment. I explained the statute of false report and that she wasn't under arrest and free to leave. Blas stated she understood and the following is paraphrased from the

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interview the Blas. Blas stated she has lived at the residence on E. Queen for about seven months and she is Luis Fuentes girlfriend. Blas stated the little kids were popping fireworks by where the fire was at on the east side of the residence. Blas stated she, Erica, Janet and her brother (Polo) were inside the residence in the living room. Blas stated she remembers hearing a lot of noise and remembers Erica saying that the noise hurt her ears. Blas stated she never heard anyone shooting a gun in the back yard, she only heard fireworks. Blas stated she was standing at the east door and didnt walk outside or in the back yard. Blas stated she never saw Victor or Juan with a gun and didnt hear them shoot a gun. Blas later stated she hasnt ever heard a gunshot but knew the noise in the residence to be a gunshot. Blas then stated she heard three gunshots from inside the residence. I dont believe Blas was being truthful with me to protect the family she lived with. Blas stated she saw the officers and knew the person was an officer. Blas stated the officers were rude to them and shouldnt off acted like that.

I then contacted Bulmaro Reyes, who is boyfriend of Erica Fuentes. I took Reyes and Davis into interview room 3 where I conducted an interview with Reyes. The interview was recorded using video and audio equipment. Officer Blanco was also in the interview room to translate for Reyes, who didnt speak English. The video and audio were later downloaded. I explained the statute of false report and told Reyes that he wasnt under arrest and free to leave. The following is paraphrased from the interview with Reyes. Reyes stated he understood and stated he lives in Florence, TX. Reyes stated he was at the residence on E. Queen with Erica and her family. Reyes stated while at the residence, he hit two hammers together and a piece of metal flew into his left inside forearm. Reyes had his arm bandage and had an East Texas Medical Center (ETMC) wrist band on. Reyes stated he stayed at ETMC for about five hours and wasnt ever treated. Reyes got tired of waiting at ETMC, so Erica went to the hospital to pick him up. Reyes stated once at the residence on E. Queen Street, he was going to eat but didnt. Reyes advised the little children were popping small fireworks on the east side of the residence by the fire. Reyes stated he had some larger fireworks that he was popping, so he walked further southeast of the residence to pop the fireworks (Roman candles). Reyes stated he heard a noise coming from the back yard and saw Victor in the back yard. Reyes advised he saw Victor with a gun, shooting down to the ground. Reyes thinks that Victor shot one time. Reyes stated he then walked back into the residence through the east side door to get more fireworks. Once in the residence, he was getting the fireworks and then heard three gunshots from inside the residence. Reyes stated that Carmens boyfriend (Jose) thought Reyes had fired a gun inside the residence but didnt. Reyes walked to the bedroom door where Victor was at and then noticed Victor lying on the ground and wasnt moving. Reyes stated he didnt see Victor with a gun at this point. Reyes saw an officer standing

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past Victor and the officer was wearing a uniform. Reyes stated he saw another officer standing behind the first officer outside the residence and then saw Juan Fuentes outside with the officer. Reyes didnt speak very good English, but knew the officer was telling him to get back from the bedroom. Reyes stated he helped try and calm down the family and get them back from the bedroom.

Reyes stated he has met Victor four or five times in the past and doesnt know him that well. I asked Reyes what he thought occurred. Reyes stated he figured that Victor pointed the gun at the officer and the officer shot Victor. Reyes was very cooperative and I believed that he was being truthful about the events. I took a photo of Reyes since he advised he didnt have a Texas drivers license or identification card.

After finishing interview these subjects, I returned to 603 E. Queen and contacted Sgt. Yates. Det. Shine had the search warrant signed for the residence and the Chevy 1500 truck that was in front of the residence. Sgt. Yates stated they were waiting for Judge Alfred to arrive to pronounce Victor Fuentes deceased. Sgt. Rackliff and Crime Scene Inv. C. Williams were processing the scene. Judge Alfred arrived and pronounced Victor Fuentes deceased at 0615. Judge Alfred ordered an autopsy to be performed on Victor Fuentes at Southwestern Institute of Forensic Sciences at Dallas (SWIFFS). Judge Alfred contacted Lighthouse transport service to come to the scene and transport Victor Fuentes to SWIFFS.

I took photos of the Chevy 1500 truck (TX LP [REDACTED]) and then searched the truck for any weapons. I didnt locate any weapons and found Preciados wallet in the truck. The wallet was left in the truck and placed under the drivers seat. The truck was later locked and secured. I then took photos of a white Ford Crown Victoria (TX LP [REDACTED]) and the inside was searched. There wasnt anything located in the vehicle pertaining to the case. I took photos of a white Chevy Trailblazer (TX LP [REDACTED]) and the vehicle was locked. I didnt locate the vehicle keys for this vehicle. There were other vehicles in the driveway that were photographed by Det. Shine and searched.

Sgt. Rackliff was processing the scene around Victor and taking photos. I entered the residence and noticed a revolver pistol (black), with brown grips lying on the floor behind Victor. The barrel of the pistol was under Victors rear end. The pistol was later determined to be a RG Industries, 38 caliber, model 38 special and serial number [REDACTED]. Sgt. Rackliff removed the shirts from Victor and I noticed that he had a gunshot wound to lower right abdomen and a gunshot wound to the upper right chest (just beside the right nipple). There was mark on the back of Victors neck, but Im unsure if this is a gunshot wound. Sgt. Rackliff bagged Victors hands to preserve evidence. Inv. Williams showed me two other weapons

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that were located in a room that is directly west of the bedroom where Victor was at. There is only one door to this room and it from this bedroom Victor was located. This room was filled with dressers and other items. There was a black Iberia Firearms (Hi- point), 40 caliber, model 40 SW, serial number [REDACTED] located on a wooden dresser. This dresser is located on the south wall of this room. There was a box 40 caliber Smith Wesson (50 count), 180 grain bullets on the same dresser. There was an extended magazine beside the 40 caliber pistol for this pistol. There was a black case for the 40 caliber pistol located in this room. In one of the dresser drawers was a magazine for an automatic pistol, a cylinder for a revolver pistol and live round bullets. There was a blue plastic tote a few feet away from this dresser that had a box of 50 Federal, 38 special, 158 grain bullets. The white plastic tray that held the bullets in the box was out of the cardboard box. There were 14 bullets still in the tray and there were several spent casings on top of the blue tote. Behind the door for this room there was a Marlin 22 caliber, model 60, rifle, serial number [REDACTED] located.

Crime Scene continued to process the scene and I assisted them in searching the other rooms in the residence for any firearms or evidence. There was one room that was located on the west side of the residence that was painted red and black. There were several red and black Chicago Bulls hats, red and black bandanas, red and black shoes and a Chicago Bulls jacket. There were documents that had Luis Fuentes name on it in this bedroom.

I located several red and black clothing in a bedroom that was in the northeast corner of the residence. I located mail for Victor Fuentes in this bedroom. A laptop computer and cell phones were looked at to see if any gang photos or information and known were located.

There werent any other weapons located in the rest of the residence. There was a large amount of spent shell casings throughout the back yard, so we contacted accident investigators to assist with the crime scene. Officer Gummer and Det. Holt arrived as accident investigators to assist. Officer Gummer and Det. Holt used the Total Station to plot the location of all the spent casings in the back yard. Officers located 126 spent shell casings in the back yard. There were .22 caliber, .38 caliber and .40 caliber spent casings located. There were some live rounds located also. Officer completed a diagram where the spent casings were located in reference to the residence.

Sgt. Rackliff located the spent shell casings from Officer Riggles patrol rifle in the bedroom. All evidence was collected by the Crime Scene Unit. See Sgt. Rackliff s report for the details of all items taken from the residence.

Later, we were ready to release the crime scene at 603 E. Queen and I

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OCA

13-000003

Tyler Police Department

Victim

FUENTES, VICTOR ALFONZO

Offense

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was trying to get in contact with a family member. I contacted a family member that stated some of the family was next door to their residence. I walked next door and contacted Juan Fuentes. I told Juan that we were finished with the crime scene and I didnt want to lock the doors if the family couldnt get into the residence. Juan stated to leave the residence unlocked and it would be fine. I contacted Jose Preciado and tried to explain that I locked his truck and placed the vehicle keys on the couch in the living room, but there was a language barrier. I left Preciados wallet underneath the drivers seat.

We released the crime scene and all officers and detectives left the residence.

I was later contacted by Sgt. Walsworth, who was asking about vehicle keys to the vehicles in the driveway of 603 E. Queen. I advised Sgt. Walsworth that we didnt take any vehicle keys out of the residence. I advised Sgt. Walsworth about Preciados vehicle keys and his wallet. Sgt. Walsworth also obtained the vehicle keys for Officer Hale and Officer Lotts patrol vehicle so Sgt. Bausell could try and retrieve anything from the hard drive of the vehicles.

This was all the involvement I had with this case on this date.

On 01-02-13, when I arrived at the police department, Assistant Chief Sharron, Sgt. Yates, Sgt. Rackliff, Det. Shine, Det. Roberts and I had a meeting to discuss further actions needed to be taken in this case.

I obtained Officer Lott and Officer Hales report from this incident. I reviewed Officer Lotts report where he stated as he got out of his vehicle and heard 4-6 gunshots. Officer Lott stated the gunshots sounded like they were coming from a handgun. Officer determined the gunshots were coming from 603 E. Queen and began to walk to the back of this residence. Officer Lott and Officer Riggle both had their patrol rifles with them. Officers walked between 601 E. Queen and 603 E. Queen and heard another 4-6 shots. Officer Lott stated it was clear the shots were coming from someone at the back of 603 E. Queen. Officer Lott could see muzzle flashes in the back yard. Officer Riggle positioned himself at the southwest corner of the residence and Officer Lott went past Officer Riggle. Officer Lott was in position to see the back door and saw a dark gun muzzle begin to pass into his view of the back door. Officer Lott told Officer Riggle that he saw a gun and they focused their attention on the back door. Officer Lott held his patrol rifle toward the back door and then saw a Hispanic male wearing dark clothing appear holding the gun. Officer Lott turned on the light that is mounted to his rifle and pointed his rifle at the Hispanic male. Officer Lott could clearly see a dark revolver being held in the right hand of the Hispanic male. Officer Lott and Officer Riggle identified themselves as police officers and gave very

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loud verbal commands for the male to put the gun down. The officers repeatedly told the male to put the gun on the ground and the male continued to hold the revolver in his right hand that was pointed at an angle slightly toward the ground. The male never reacted to the officers commands and then turned around and began to walk back inside the residence. When the male began to walk inside, officers continued to tell the male to stay outside and not go into the residence. The male then walked into the residence and Officer Riggle went to the back door and was able to see the male. Officer Lott wasnt able to get to the back door due to debris. Officer Lott wasnt able to see the Hispanic male, but Officer Riggle was still giving commands to the male to drop the gun. Officer Lott then saw Officer Riggle take a quick step back out of the doorway and yelled for the male to drop the gun several times in a row. Officer Lott stated there was a sound of fear and urgency in his voice. As Officer Lott was making his way through the debris, he heard shots coming from Officer Riggles rifle. Officer Lott made it to the back door and observed the Hispanic male in the dark clothing holding the revolver falling to the ground. The male fell to the ground he was still holding the dark revolver in his hand. When the male fell to the ground, he was in a sitting position with his right arm resting across his legs toward the left side of this body. The revolver fell from the males hand and landed beside him. Officer Lott then went and laid the male flat and placed handcuffs on the male. Officer Lott stated when he approached the male, he noticed live ammunition around the male and the revolver. Officer Lott then heard voices coming from another room where the family was located in the living room. Officer Lott then began to try and secure the crime scene but family members became hostile. Officer Lott stated one of the family members told the officer he would let the cartel know so they could handle it. Officers began to arrive and assist officer in securing the crime scene.

Officer Lott was relieved from the scene and secured his patrol rifle in his patrol vehicle. Officer Lott returned to the police department where Officer Doughten counted Officer Lotts ammo in his rifle. I later viewed the photos taken by Officer Doughten of Officer Lotts rifle. Officer Lotts rifle is a Noveske M4, model H01583 and had two 30 round magazines. Officer Lott had 28 live rounds in each of his magazines. All of Officer Lotts ammunition was accounted for. Officer Doughten examined Officer Lotts duty pistol, which is a Springfield Armory USA, .40 caliber pistol. Officer Lotts pistol had one .40 caliber SW bullet in the chamber and 16 rounds in his magazine. Officer Lott had two other magazines that contained 16 rounds in them. Officer Doughten photographed Officer Lotts weapons and him. Officer Doughten took possession of Officer Lotts weapons.

I reviewed Officer Hales report which stated the same events about hearing gunshots coming from the residence of 603 E. Queen. Officer

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Hale stated Officer Lott and Officer Riggle gave the Hispanic male several verbal commands to drop the weapon. Officer Hale stated when he rounded the corner (southwest) to walk along the back of the residence Officer Riggle was entering the back door giving commands to the male to drop the weapon. Officer Hale stated he heard four to five shots from Officer Riggles patrol rifle. Officer Lott entered the residence and an older Hispanic male walked outside. The older Hispanic male was later identified as Juan Fuentes. Officer Hale had Juan sit on the brick retaining wall at the back of the residence. Officer Hale helped secure the crime scene and was later relieved from the scene. Officer Hale returned to the police department where Officer Doughten examined his duty pistol (Sig P226 Elite, .40 caliber). There was one live round (.40 caliber SW) located in the chamber. Officer Doughten examined Officer Hales magazine from his pistol and it contained 15 live rounds of ammunition in each of the three magazines. Officer Doughten took possession of Officer Hales weapon.

Officer Doughten photographed Officer Riggle and his weapons. Officer Doughten examined Officer Riggles Smith Wesson, MP 15 and the rifle was empty. The live round that was chambered in the rifle was placed back into the magazine. In the magazine from the rifle were 27 live rounds. Officer Doughten examined Officer Riggles Glock 31 duty pistol and had one live round chamber in the pistol. There were 16 live rounds from the magazine taken out of the pistol. Officer Riggle had two extra duty magazines that one magazine contained 16 live rounds and the other magazine contained 14 live rounds. Officer Doughten took possession of Officer Riggles weapons.

Officer Doughten tagged all weapons from officers into property.

I took the hard drives from Officer Hale and Officer Lotts patrol vehicle and had the videos downloaded of this incident. I reviewed Officer Hales video where Officer Hale had the microphone for his and Officer Riggles patrol vehicle. The video is turned on and then turns itself off. This occurs throughout the video and doesnt record any noises or anything that was said. The picture from the video was working, but the audio would turn on and then turn off.

I reviewed Officer Lotts video from his patrol vehicle. The microphone/transmitter that Officer Lotts was carrying wasnt working. I heard one loud gunshot from the microphone and that was it. I listened to the in car audio from Officer Lotts patrol vehicle. When officers got out of their patrol vehicle, they told dispatch they would be out at 600 E. Queen in reference to gunshots. At about 1210 am on the video, I could hear what appeared to be a gunshot. Then a few seconds later, I could hear five gunshots, which is believed to be from Officer Riggles rifle. Officers get on the radio and advised dispatch to have EMS respond to their location in

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reference to the suspect being shot.

I obtained all coban video from officers that responded, dispatch traffic, 911 call and Tyler Fire Department radio traffic.

I requested a return from the Department of Justice ATF firearms trace for the three weapons found in the residence at 603 E. Queen. The three weapons were the .38 caliber pistol, .40 caliber pistol and the .22 rifle documented in this report.

I reviewed the 911 phone calls made to the Tyler Police Department. At 1156 on 12-31-12, a citizen calls from 1400 N Winona and stated they heard between 8-10 gunshots coming from the street behind theirs. At 0003 on 01-01-13, three different calls were placed to dispatch in the area of 900 E. Hillsboro, Church/Nutbush and 200 N. Central all complaining about gunshots being heard in the area. At 0008 on 01-01-13, Radio 223 got onto the radio and advised dispatch they would be out in the 700 E. Queen in reference to gunshots. Radio 223 is assigned to Officer Hale and Officer Riggles. Sgt. Balderas advised on the radio to send another patrol officer with 223 due to the gunshots. A few moments later, 223 advises there have been shots fired and they need EMS Code. Dispatch then advised for more units to be enroute to Queen Street.

On 01-03-12, I obtained the vehicle keys from Sgt. Bausells mail box and I contacted Sgt. Bausell about not being able to hear the coban videos. Sgt. Bausell and I obtained the two transmitters to test them to see if they are properly working, which neither transmitter had an antenna on them. I gave the vehicle keys to unit 10836 and unit 1518 to Sgt. Bausell. Officer Hale was driving unit 10836 and Officer Lott was driving unit 1518. Sgt. Bausell and I went to unit 10836 and tried to test the distance to see how far the transmitter would work. The video system in this unit continued to turn the microphone on and off. Please see Sgt. Bausells supplement for further details about the video systems.

I contacted SWIFFS to see if the evidence from the autopsy was ready to be released, which it was. I tried to speak to Dr. Urban who performed the autopsy but she will be out of the office until 01-07-13.

I contacted Sgt. Rice to see if a PSO (Public Safety Officer) could retrieve the evidence from SWIFFS. Sgt. Rice advised he would have PSO Cox go to Dallas, TX on 01-04-13 to get the items for this case.

Sgt. Rackliff will prepare Officer Hales duty pistol, Officer Riggles duty pistol and patrol rifle and Officer Lotts duty pistol and patrol rifle to be tested at DPS Tyler.

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On 01-04-13, I began to type my report while completing other tasks for this case. I received information that a female had information from Facebook that the Fuentes family was going to retaliate against officers involved in this shooting. I contacted a subject that gave the information and looked at the Facebook posting from several individuals.

I reviewed Shorty Mf F-reyes Facebook posting, which I believe to be Erica Fuentes. Erica posted a message on Facebook on 01-02-13 saying only his family know and the sorry ass cop that killed him but its 20 of us against the cop and one thing I can say is my brother never would hurt a officer cuz he loved his family to much cops talk but they cant walk. but his family is going to get justice viri the lord knows how good father my brother was. dont listen to bullshit i can tell u by my feeling that nothing can help this pain ahorita.

Shorty Mf F-reyes wrote at 0547 on 01-02-13 Thanks mija and u can count on that that fucking cop said he hated Mexicans so yea hes gonna really hate us more cuz were taking it above tyler stupid justice system.

Later, PSO Cox arrived from SWIFFS and tagged the evidence into property.

Sgt. Rackliff contacted Sgt. Bausell about a camera that was located on Victors person. Sgt. Bausell downloaded the camera and located some photos of Juan Fuentes. The photos show Juan holding the RG .38 caliber pistol in left hand and Juan is hold the Hi-point .40 caliber pistol in his right hand. Juan is holding both guns in the air. In another picture, Juan is holding both of the same guns toward the floor. In the last picture, Juan has the RG .22 caliber pistol in his waist band of his blue jeans shorts. Juan is holding the Hi-point .40 caliber pistol in his right hand and pointing the pistol in the air. The photos of Juan were taking in the residence of 603 E. Queen. It is unknown what date the photos were taken, but doesnt appear to be taken the date of the shooting.

I reviewed Det. Roberts report from when he interviewed Juan Fuentes on 01-01-13. Juan told Det. Roberts that he was in the bedroom with Victor between 10-15 minutes before the shooting occurred. Juan stated no one else was in the bedroom with them. Juan stated he heard gunshots coming from across the street. Juan denied firing a gun on this date, which Erica Fuentes told me in her interview that her dad (Juan) had fired a gun on that date. Juan stated that he didnt know if Victor fired a gun on that date, but later stated he had not seen Victor with a gun on that date. Det. Roberts asked Juan if he had seen any guns at his residence on this date and he stated no. Juan stated he heard officers say put the guns down. Det. Roberts asked to complete a GSR test on Juans hands and Juan became defensive. Juan

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then asked Det. Roberts why he had to do that. Attorney Sinclair was in the interview room with Juan and advised Juan against letting Det. Roberts complete the GSR on Juans hands.

I called Yaneth Fuentes, who is the wife of Victor Fuentes. I spoke to Yaneth and asked if I could get her statement about this incident. Yaneth stated she could meet with me on this date, but to contact her on 01-07- 13 to set up a time to meet.

On 01-07-13, I obtained the EMS run sheets from ETMC EMS.

I spoke to Dr. Urban from SWIFFS about the autopsy performed on Victor. Dr. Urban advised Victor was shot three times. Victor was shot once in the lower abdomen that struck his intestines, stomach and spleen. Victor was shot once in the upper right chest by the nipple that struck Victors lung and heart. Victor was shot in the back of the neck. Dr. Urban stated this gunshot was traveling downward angle from right to left and struck Victors left lung. Dr. Urban stated she didnt see any stippling to Victors hands. Dr. Urban stated she put a rush on trying to get back the blood alcohol level for Victor, but the results havent come back yet.

I contacted SWIFFS to try and obtained the fingerprint card for Victor, but they havent been scanned it their computer system yet.

On 01-08-13, I contacted Yaneth Fuentes and asked if I could meet with her to get her statement. Yaneth stated she hired Garcia Dubove Law Office to represent her. I asked to confirm Yaneths last name and she stated it was Fuentes. Yaneth stated she and Victor are legally married, but she doesnt have a social security card or state identification. I asked Yaneth what her date of birth was and she stated I would need to contact her attorney.

I contacted Garcia Dubove Law Office and asked to speak to the attorney representing Yaneth. I spoke to the assistant of Yaneths attorney (James Trujillo). Trujillo wasnt in the office and wouldnt be back until tomorrow. I asked the assistant if they were representing Yaneth for a civil case or criminal case and they stated a civil case. I will contact Trujillo on 01-10-13 when I returned back to my office.

I obtained the property pages for this case from Sgt. Rackliff.

Det. Shine obtained subpoenas for all records for Victor Fuentes from Tyler Independent School District (TISD), KETK NBC 56, KLTV ABC 7 and KYTX CBS 19. I went to KETK and obtained video they had from the scene on E. Queen and of interviews.

I reviewed the video from KETK and it was video of officers patrol

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vehicle and of a citizen in the neighborhood of Queen. The citizen stated he heard fireworks going off the night of this incident.

Det. Shine gave me the TISD school records for Victor. The records show that Victor dropped out of school in the 9th grade in 2006. The records show that Victor was going to be home schooled.

I reviewed the video from KYTX that was taken of the family. There were interviews by Erica Fuentes and Juan Fuentes. They just spoke about Victor during the interviews.

On 01-11-13, property items 43, 44, 54, 56, 58, 60 and 112 were taken to the DPS Garland Lab to be processed. The Garland DPS lab number for this case is GAR-1301-00546.

On 01-14-13, I was contacted by James Trujillo with Garcia Dubove Law Office. Trujillo advised that Yaneths name is Yaneth Fuentes and was legally married to Victor Fuentes. Trujillo didnt know Yaneths date of birth at this time. Trujillo stated he would contact Yaneth to set up a time to interview Yaneth.

On this date, property items 1, 35, 36, 37, 38, 39, 50, 51, 52, 65, 66, 69, 71, 82, 84, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 110, 103, 70, 42, 104, 48, 49, 43, 44, 54, 56, 58 and 60 were taken to the Tyler DPS Lab to be processed. The Tyler DPS lab number for this case is TYL-1301-00021.

On 01-16-13, I spoke with SWIFFS to try and obtain the photos from the autopsy on Victor Fuentes. SWIFFS stated they would mail me the photos for the autopsy.

I received the fingerprint cards from SWIFFS through email. The email was forwarded to Sgt. Rackliff.

On 01-23-13, I received the autopsy photos from SWIFFS. The photos were scanned and placed onto the Z drive.

On 02-07-13, I received the autopsy report from SWIFFS. Dr. Jill Urban performed the autopsy on Victor Fuentes. There were three gunshot wounds to Victor.

Victor was shot on the right side of posterior neck traveling back to front, downward and then right to left. The path of the bullet was perforation of subcutaneous tissue and musculature of neck and left side of back and posterior left fourth rib, and penetration of the lower lobe of the left lung.

The gunshot wound to the chest was immediately to the right of the right nipple. The path was perforation of right side of chest, right

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fifth rib, right lung, heart, diaphragm and liver and penetration of left lung. The direction of travel for the bullet was right to left, slightly downward, and slightly front to back.

The gunshot wound to the abdomen was the right upper quadrant of the abdomen. The path of the bullet perforation of small and large intestines, stomach and spleen. The direction of the bullet was right to left, slightly front to back and slightly downward.

The autopsy report was placed with the case packet.

On 02-19-13, Smith County DA M. Bingham was contacted in reference this case. DA Bingham stated to file this case with the Smith County DAS Office on 02-22-13.



On 02-20-13, Inv. Williams went to DPS Garland and picked up the items sent for this case. The items were then taken to Orchid Cellmark to be processed.

On 02-22-13, I presented this case to the Smith County DAS Office. The case was signed by ADA W. Flanigan.

Incident Report Suspect List

Tyler Police Department

OCA: 13-000003

1	Name (Last, First, Middle) RIGGLE, MATT					Also Known As					Home Address 																																					
	Business Address																																															
	DOB 	Age 27	Race W	Sex M	Eth N	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State																																					
	Scars, Marks, Tattoos, or other distinguishing features																																															
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race W</td> <td>Sex M</td> <td>Eth N</td> <td>Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="3">Model</td> <td>Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> <td>Mode of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="3">VIN</td> </tr> </table>													Reported Suspect Detail		Suspect Age		Race W	Sex M	Eth N	Height	Weight		SSN		Weapon, Type	Feature	Make		Model			Color	Caliber	Dir of Travel		Mode of Travel	VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN		
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CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 07/24/2019 13:19

Tyler Police Department

OCA: **13000003**

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*
Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SMEDLEY, J. L. (11377)*

Date / Time: *01/01/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----Supplement Narrative-----
Reporting Officer: *SMEDLEY, JOSHUA (11377)*
Added By Employee: *SMEDLEY, JOSHUA (11377)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *01/01/2013*

On January 1st, 2013, at approximately 12:11 AM, I heard over the radio that Officers had a man down at 603 East Queen. The Officers sounded like they were in distress. I ran code three to the location. Upon arrival, I observed Officers running to the rear of 603 East Queen. Officer Riggle requested that the front door to the residence be open. I opened the front door and noticed approximately 60 irate subjects standing in the front yard of the residence. The subjects were defiant and attempted to walk to the rear of the residence. After more Officers arrived on scene, Officers were able to push the irate subjects back into the roadway. I began documenting the crime scene log at approximately 1:05 AM. I was relieved from my crime scene duty by Officer Parrish. This concludes my involvement with this case.

-----Supplement Narrative-----
Reporting Officer: *CORTEZ, BIANCA (11538)*
Added By Employee: *CORTEZ, BIANCA (11538)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *01/01/2013*

On Tuesday, January 1, at around 0010 hours, I, Ofcr. B Cortez was dispatched to 603 E. Queen to assist officers. Upon arrival, I was advised to secure the scene, the south end of the residence. I secured the scene and observed a Hispanic male laying on the floor in the south bedroom of the residence. The male appeared unresponsive and I observed a pool of blood north of where his body was laying. I observed a revolver located behind his back. I later assisted Detectives in translating during the interviews. This concludes my involvement in this case. This is a supplemental narrative.

-----Supplement Narrative-----
Reporting Officer: *ROBERTS, TOSH (11748)*

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 07/24/2019 13:19

Tyler Police Department

OCA: **13000003**

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Case Status: **EXCEPTIONALLY CLEARED** Case Mng Status: **EXCEPTIONALLY CLEARED** Occurred: **01/01/2013**
Offense: **HOMICIDE - JUSTIFIABLE**

Investigator: **ROBERTS, T. R. (11748)**

Date / Time: **01/01/2013 00:00:00, Tuesday**

Supervisor: **(0)**

Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Supp**

Added By Employee: **ROBERTS, TOSH (11748)**

Supplemental Supervisor: **Not Recorded.**

Added Date: **01/01/2013**

On 01-01-2013 at approximately 0012 hours, I responded to 603 E. Queen in reference to Officer M. Riggle saying that there were shots fired and that a male had been hit multiple times.

I responded to the scene Code 3. Upon arrival I assisted the officers already on scene by securing the scene. There were numerous people outside the residence that were very upset. Once the scene was cleared of civilians, I assisted by securing the perimeter on the exterior of the house. I remained on the southwest corner of the exterior of the residence until I was relieved to get my rain gear for approximately 3 minutes. I then returned and assisted in keeping the area secure for investigators until Sgt. Balderas advised that I needed to go 10-8 to assist the officers answering calls.

This ends my involvement in this case.

-----Supplement Narrative-----

Reporting Officer: **BALDERAS, NOE (10873)**

Added By Employee: **BALDERAS, NOE (10873)**

Supplemental Supervisor: **Not Recorded.**

Added Date: **01/01/2013**

On 1-1-13 at approximately 0000 hours, I was in the area of Old Omen and University on patrol. While here I heard Officer M. Riggle check out in the 700 block of E Queen and advise that they had shots fired and to send more officers. They were in the area to investigate a call of a person or persons shooting a firearm. Approximately 2 minutes later Officer Riggle got back on the radio and stated that they had shots fired and that they needed EMS. He advised that they had one person down. I was enroute to the scene and arrived a few minutes later. Upon arrival I could see approximately 20 subjects walking around 603 E. Queen. They were yelling and screaming some were crying and all were very agitated and upset. Several officers were already on scene and trying to control the situation. I assisted with moving people from the yard to the street. Sgt Burton was already on scene and was helping at the residence. EMS was already on scene and was in the house. Soon after my arrival I was informed that there was a

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*
Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *BALDERAS, N. (10873)*

Date / Time: *01/01/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

subject that had been shot and was deceased in the home.

At this time the home and area was secured and I stood by to assist at the scene. Several family members of the deceased were on scene along with a large crowd. A few members of the crowd were highly agitated and were trying to get information about what had occurred. I heard some subjects talking to other subjects, telling them that officers kicked in the door and just started shooting. Several kept asking us if we had a warrant. This continued for approximately 30 minutes. At this time, given the fact that I did not know what had occurred I could not answer any questions. With the hostile crowd, I also chose not to tell them that their family member had died out of concern that this would cause a riot.

Once the scene was under control and crime scene tape was hung, I was able to look at the scene. I went to the back of the residence and there I observed spent shell casings of many different calibers strewn about the yard. It was obvious that someone was shooting a firearm in the backyard. I observed what looked like 40, 9mm, 45 and 38 or 357 magnum casings lying every where. Some appeared to have been there a while and others appeared to be very recent. Also in the back yard was a shed like structure. It was tagged with gang graffiti. I could read some of it and observed that it read Nortanos and NSB. NSB is short for North Side Bloods. I know through my training and experience that this is an active criminal street gang in the city of Tyler. After observing this I remembered seeing at least two subject wearing red shirts at the scene. Red is the color the NSB subjects wear to identify themselves as NSB members. I then observed that the back door was open. I looked in the back door and could observe that there was a Hispanic male subject, about 10 feet in, lying on the floor deceased. I did not enter the residence at this time. Just past the male I observed a door way which was being guarded by Officer Cortez in the house. later after ensuring the exterior of the home was secure I took her out of the home.

I stood by at the scene until tech and detectives arrived. Once a warrant was procured I entered the residence with crime scene to assist. I observed the body at this time. I could not see any wounds at this time, but I did observe a pool of blood adjacent to the body. I also observed a large revolver with brown grips lying partial under the body. There was also several unspent casings around the body. They

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Case Status: *EXCEPTIONALLY CLEARED* Case Mng Status: *EXCEPTIONALLY CLEARED* Occurred: *01/01/2013*
Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *BALDERAS, N. (10873)* Date / Time: *01/01/2013 00:00:00, Tuesday*
Supervisor: *(0)* Supervisor Review Date / Time: *NOT REVIEWED*
Contact: Reference: *Supp*

appeared to be revolver ammo possibly 38 caliber or 357. My involvement inside the house was minimal and I did not handle any evidence. I also did not talk to any of the officers at this time concerning the shooting.
At this time I left the scene.

-----Supplement Narrative-----
Reporting Officer: PARKS, LANCE (9360)
Added By Employee: PARKS, LANCE (9360)
Supplemental Supervisor: Not Recorded.
Added Date: 01/01/2013

When I arrived at the PD this morning I was instructed by Sgt. Burton to respond to 603 E. Queen to assist in an officer involved shooting. When I arrived at the scene I was contacted by Sgt. Balderas and he advised that detectives were inside and I needed to help with perimeter security. I maintained security at the scene until I was relieved by Officer Lemons.

-----Supplement Narrative-----
Reporting Officer: PARRISH, SUSAN (8414)
Added By Employee: PARRISH, SUSAN (8414)
Supplemental Supervisor: Not Recorded.
Added Date: 01/01/2013

On this date, I responded to 603 E Queen, Tyler Smith County Tx reference a dead body report. Sgt Burton advised me they were investigating an officer-involved shooting and to report to the on-scene supervisor, Sgt Balderas, to relieve a night shift officer on perimeter. Upon arrival I contacted Sgt Balderas who advised me to relieve Officer Smedley. I contacted Officer Smedley who provided me with the crime scene log that he had begun and maintained. He then left the scene. I completed the log and maintained perimeter until investigators released the scene, with one short break during which time I was relieved by Officer Lemons. No further information.

-----Supplement Narrative-----
Reporting Officer: GUERRERO, THOMAS (11138)
Added By Employee: GUERRERO, THOMAS (11138)
Supplemental Supervisor: Not Recorded.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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On 12/31/12 at around 2357 hours, I (Officer Guerrero), responded to a residence located at 603 East Queen on a report of shots fired. Prior to arrival Officer M. Riggle was originally dispatched to this area on a report of Gun Shoots. Officer Riggle advised once he was there that there were gun shots and requested additional units. I responded to the scene Code Three by informing Tyler P.D. Dispatch channel two due to the large amount of radio traffic on channel one. While enroute Officer M. Riggle stated that there was a subject that had been shot multiple times and was also asking for a supervisor and EMS personal to respond. Once at the scene Sgt. J. Burton instructed me to get the large amount of family members out of the house due to it becoming a crime scene. I did interact with several agitated and emotional family members that did eventually exit the residence. At no point did I identify any of the family members nor question them on the events leading up to my arrival. Following Sgt. Burton and later Sgt. N. Baldares instructions I was posted to the rear of the house to keep command and control of both the East side door and the South side door. I was posted in this position until relieved at around 0610 hours, by Officer L. Parks. I was placed on the Crime scene log and all times were logged. I did not collect any evidence during this incident. This ends my involvement in this incident.

-----Supplement Narrative-----

Reporting Officer: LOTT, BRANDON (11750)**Added By Employee:** LOTT, BRANDON (11750)**Supplemental Supervisor:** Not Recorded.**Added Date:** 01/01/2013

On 1-1-2013, I responded to the area of 1424 Winona with Officers Riggle and Hale in reference to a suspicious noise. The caller reported hearing gun shots in the area. As we, Officers Riggle, Hale, and I entered the area on E Queen and Carlyle, we heard several gunshots. Officers Riggle and Hale were parked West of where I parked and were separated by a car length. Both of our vehicles were parked facing West because that was the direction we were heading when we heard the gunshots and we did not turn our vehicles around. Because the gun shots sounded very close, we got out of our vehicles. Officer

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *LOTT, B. A. (11750)*

Date / Time: *01/01/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

Riggle had his patrol rifle with him. As I was exiting my vehicle, I heard a series of 4-6 gun shots. The shots sounded like they were coming from a handgun due to the sound being a very loud pop more than a boom. I grabbed my patrol rifle. We were able to determine that the gun shots were coming from 603 E Queen. Officer Riggle and I led the way because we had rifles while Officer Hale provided cover behind us. As we approached the house using the area between 603 E Queen and 601 E Queen, I heard another series of 4-6 gun shots. These shots also sounded like they were from a handgun. It was clear with those shots that someone from 603 W Queen was firing a gun in the back yard of the residence. I could see what appeared to be muzzle flashes in the back yard of the residence when I heard the gun shots. Officer Riggle and I quickly approached 603 E Queen from the West side of the residence. Officer Riggle took a position on the Southwest corner of the residence and I continued South to get cover and a better view of the door. When I took my position, I passed Officer Riggle and could see numerous shiny objects on the sidewalk at the rear of the residence. Officer Hale was Northwest officer Riggle watching a door on the west side of the house as well as a window on the same side. We were in position for less than one minute when I saw a dark gun muzzle begin to pass into my view of the door and the rear of the house. I told Officer Riggle that I saw a gun and we drew our attention to the door at the rear of the house. As I held my rifle toward the door, a Hispanic male wearing jeans and a dark shirt or jacket appeared holding a dark colored revolver. I turned on my rifle mounted light and pointed my rifle at the male. With my weapon light turned on, I could clearly see a dark revolver being held in the right hand of the Hispanic male. Officer Riggle and I identified ourselves as police and began to give very loud and clear orders to the male with the gun. The male was told several time by officer Riggle and myself to drop the gun, put the gun on the ground and put his hands up. While we were giving the orders to the male, the male continued to hold the revolver in his right hand at an angle that was slightly angled toward the ground. The male never complied with instructions to put the gun down, drop the gun, or put his hands up. The male remained in the same position and had an emotionless look on his face. The male stood there for several seconds while Officer Riggle and I were giving him very loud and clear orders. While giving orders, the male turned around and

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *LOTT, B. A. (11750)*

Date / Time: *01/01/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

began to walk back inside the residence using the same door at the rear of the house that he walked out of while carrying the handgun. While walking into the residence, the male continued to occasionally look back at Officer Riggle and myself while we gave him orders to stay outside and to not go inside. Officer Riggle and I yelled for the male to stop. I told the male to stay outside and not go inside. The male did not comply and walked back into the residence. Officer Riggle and I ran toward the door with our rifles ready. Officer Riggle arrived at the door and was able to see the male. Because of my initial position, I had to run through the yard and was slowed by debris in the yard. I stood on a flat area in the yard made of bricks and attempted to get a view of the male but was unable due to brush and Officer Riggles position in the middle of the doorway. Officer Riggle was giving very loud and clear orders to the male to drop the gun and put the gun down. I continued to make my way toward the door through brush and the other debris such as wire fencing material that was rolled in the yard. I saw officer Riggle take a quick step back out of the doorway and heard Officer Riggle yell for the male to drop the gun several quick times in a row. There was a sound of fear and urgency in Officer Riggles voice. As I was forcing my way through the fencing material and other debris in the yard toward the door, I heard rifle shots coming from Officer Riggles rifle as I was approaching the door. I switched my rifle from safe to fire and leaned around the corner of the doorway beside Officer Riggle to assist him. I saw the Hispanic male that was wearing the dark shirt or jacket and holding the dark revolver falling to the ground. The male was still holding the dark revolver in his hand. When the male fell to the ground, he was in a sitting position with his right arm resting across his legs toward the left side of his body. The dark revolver fell from his hand and landed beside him. I told officer Riggle to cover me. I laid the male flat and placed handcuffs on his wrists. When I approached the male, I noticed there was live ammunition around where the male had been and where the dark revolver was located. After deciding the male in hand cuffs, I heard voices and movement from an adjacent room. I quickly opened the door the was in the room and observed adults and children in the room. No one in the other room had been injured. The individuals in the room began to yell and scream. I had my rifle in the low ready position and ordered the individuals to sit. I could see

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individuals standing outside and ordered them to come inside. I made them come inside so that I could watch those that were present and keep them in 1 location. Various individuals began to approach me and attempt to get through the door where Officer Riggle was located. I did not let them through and physically had to push some of them away. A unknown male wearing a dark jacket assisted wit keeping family under control and out of the doorway. Officer Riggle immediately began to assess the Hispanic male that was holding the revolver and requested EMS to come to the scene code. A sergeant was also requested. There was another Hispanic male that I ordered to sit that was very confrontational. The male was wearing red, white and black clothes with earrings that had clear stones. The male demanded that he see the warrant and stated that we would, be sorry. The male was restrained by several family members. The male would continuously jump from the couch toward my location. The male stated that he would, let the cartel know so they could handle it. A female holding a child attempted several times to push me out of the doorway. I would not allow her past me through the door and told her several times to sit down. A family member escorted her away from the door. Sgt. Burton and various other officers, from TPD and other departments, began to arrive in scene and Sgt. Burton said to get everyone outside of the house. They left the house and stood on the porch on the East of the house. A female holding a child refused to leave but was escorted out of the residence by a family member. The family was escorted away from the porch toward the front of the residence and crime scene tape was placed. A large male began pointing at me and stated that I was there. Another female approached the scene from the East and demanded to know names and badge numbers of everyone there. The same female began pointing at me stating that I was the one that shot the male. The family members began demanding to see a warrant and insisted that the male was not armed. During the time of the initial contact and confrontation, I did not see family members. The only individual I observed was the male holding the revolver until I opened the door after hearing voices coming from another room. Sgt. Burton told me to switch places with someone that was at the back of the residence. I went to the back of the residence with Officer Roberts. I am not sure who went to my previous position on the East side of the residence. I walked through the scene with various sergeants and Chief Sharron

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *LOTT, B. A. (11750)* **Date / Time:** *01/01/2013 00:00:00, Tuesday*
Supervisor: *(0)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

explaining the circumstances around the incident. Sgt. Burton recovered my COBAN from my vehicle. I removed the round that I had loaded into my rifle and returned it to the magazine. I placed the rifle and magazine in the mount located in the front compartment in my vehicle. I again walked with various sergeants through the outside of the residence and informed them of the circumstances. The numerous objects I had seen when passing Officer Riggle to take my position were a large number of spent ammunition casings located outside of the residence in various calibers. I was instructed to go to the Police Department to have my firearms and magazines photographed. The ammunition in the magazines was also photographed and accounted for. Because I was unable to fire shots due to Officer Riggle being between me and the male with the revolver, all of my ammunition was accounted for when examined by Officer Doughten. I placed the ammunition back into the magazines and secured my patrol rifle in the trunk of my vehicle. After loading the ammunition into my magazines, Officer Doughten tested my left and right hands for gun shot residue. Officer Doughten advised Officer Hale and myself that she was finished and suggested we call a sergeant to see what we needed to do next. Sgt Burton was notified and said that after our supplemental reports were completed that Officer Hale and I could go home. This is all the information I have regarding this incident.

-----Supplement Narrative-----
Reporting Officer: HALE, COLLIN (11861)
Added By Employee: HALE, COLLIN (11861)
Supplemental Supervisor: BURTON, JASON (10617)
Added Date: 01/01/2013

On 12-31-2012 at 2357 hours, Tyler PD received a call for service regarding suspicious noise gunshots. I responded to the area of 500 E. Queen shortly after midnight. I attempted to locate the gunshots as I could hear several groupings of shots coming from the location later identified as 603 E. Queen St. I pulled onto 500 E. Queen and heard gunshots coming from a short distance away behind us (to our East). Officer J.M. Riggle, Lott, and I approached the location on foot. As we came to the driveway immediately to the West of the house, I heard several gunshots and saw what appeared to be the glow of muzzle blast coming from the rear of the property. I radioed dispatch that we would

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *HALE, C. L. (11861)* **Date / Time:** *01/01/2013 00:00:00, Tuesday*
Supervisor: *BURTON, J. (10617)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

be out at 700 E. Queen on gunshots. I approached the rear of the house (603 E. Queen) with my sidearm out following Officers J.M. Riggle and Lott who both had rifles. I was on the West side of the house, watching for any movement in a window, a door, and to our rear. Ofc. Lott alerted us that there was a gun. Ofc. Lott and Riggle pointed their rifles with weapon lights on at the subject giving loud verbal commands of Police, to drop the weapon, to stop, and to get on the ground by Officer Riggle and Lott. I began closing the distance to their position (I was about 10 feet to the North of them on the West side of the house) and followed Officer Riggle around the corner of the building (buildings South side). I rounded the corner as Officer Riggle was entering the doorway of the house, continuing commands to drop the weapon. I heard four or five shots but never saw the shots or the suspect. I radioed shots fired and that we needed EMS code at 0010 on 01-01-2013. Officer Lott entered the residence as an older Hispanic male (who later said he was the subjects father) came outside. I ordered him to sit down on a small brick retaining wall outside of the residence and kept him there until additional officers arrived. Many different sized shell casings could be seen around the South and Southwest corner of the residence. Once additional units arrived on scene, the family was moved to the East side of the house. Family members and other people were making threats against the officers present. The primary aggressor was a young Hispanic male wearing red and black saying that he was going to notify the cartel and that he had his papers. He tried to charge at officers multiple times but was held back by family members. The crowd was moved north from the driveway to the street as I then posted crime scene tape across the front of the driveways on both sides (West and East) of the house as well as the backyard of 603 E. Queen. After assisting in scene security guarding the West side of the house, I assisted in a walk through with Ofc. Lott, Sgt. Burton, Chief Sharron, and other investigators. I returned to the Tyler PD where my firearm and magazines were inspected by Ofc. Doughten showing that I had not fired any shots as well as gun shot residue test administered. This concludes my involvement.

-----Supplement Narrative-----
Reporting Officer: REEVES, PATRICK (9412)
Added By Employee: REEVES, PATRICK (9412)

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *REEVES, P. K. (9412)* **Date / Time:** *01/01/2013 00:00:00, Tuesday*
Supervisor: *GRISSOM, D. W. (8421)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

Supplemental Supervisor: *GRISSOM, DARIN (8421)*
Added Date: *01/01/2013*

ON 01012013 AT APPROX 0026 HRS I WAS DISPATCHED TO 603 E QUEEN TO ASSIST AT THE SCENE OF AN OFFICER INVOLVED SHOOTING. ON ARRIVAL I TOOK A POSITION WEST OF THE SCENE AND KEPT TRAFFIC AND PEDESTRIANS FROM APPROACHING THE SCENE. SGT BURTON ADVISED ME THAT OFFICER M RIGGLE HAD BEEN INVOLVED IN A SHOOTING AND WAS NOW SITTING IN THE SERGEANTS PATROL CAR. BURTON REQUESTED THAT I SIT WITH RIGGLE WHICH I DID. AFTER A FEW MINUTES I TRANSPORTED RIGGLE TO THE POLICE DEPARTMENT. HE AND I SAT IN THE CONFERENCE ROOM UNTIL COUNSEL ARRIVED. I TOOK SEVERAL PHOTOS OF RIGGLE AND LOGGED THE MEDIA CARD INTO TECH SERVICES FOR PROCESSING. NO FURTHER ACTION TAKEN.

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *GUMMER, R. M. (11380)* **Date / Time:** *01/02/2013 00:00:00, Wednesday*
Supervisor: *(0)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

-----Supplement Narrative-----
Reporting Officer: GUMMER, RYAN (11380)
Added By Employee: GUMMER, RYAN (11380)
Supplemental Supervisor: Not Recorded.
Added Date: 01/02/2013

At approximately 0700 hours, 01-01-13, I was contacted by Sgt Grissom in reference to an officer involved shooting at 603 E. Queen. Sgt Grissom was requesting my assistance in mapping the scene with the Total Station.

Upon arrival on the scene I made contact with Sgt. Rackliff who informed me of the situation. He requested that I plot all found bullet casings at the rear of the residence. I set up my equipment on the southwest corner of the residences property to establish good line of sight of the south and west side of the residence. There were numerous shell casings located at the rear and side of the residence. With the assistance of Det. Holt I was able to plot all found casings utilizing the Sokia Total Station. Upon completion I returned to Tyler PD where the points were uploaded into the Edge FX program and a diagram was completed.

This concludes my involvement with this case.

-----SUPPLEMENT NARRATIVE-----
Reporting Officer: SHARRON, STEVE (8020)
Added By Employee: SHARRON, STEVE (8020)
Supplemental Supervisor: YATES, BILLY (10067)
Added Date: 01/02/2013

Form 5 Case Number : 13-000003
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Case Attached:
Case Disposition/Status:

Date Written: 01/02/13
Victim, Offense: Officer M. Riggle/Aggravated Assault on a Peace Officer

Route Copies:

Investigator Signature

Supervisor Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: <i>SHARRON, S. A. (8020)</i>	Date / Time: <i>01/02/2013 00:00:00, Wednesday</i>
Supervisor: <i>YATES, B. W. (10067)</i>	Supervisor Review Date / Time: <i>NOT REVIEWED</i>
Contact:	Reference: <i>Supp</i>

All Official Personnel:

Date Of Supplement: 01/02/13
Written/Typed By: A/C S. Sharron

Narrative

At approximately 0030 on 01/01/13 I was awakened by a phone call from Assistant Chief Diannia Jackson. She advised me of an officer involved shooting on E. Queen Street where apparently Officer Matt Riggle had shot and killed a suspect who pointed a gun at him. She asked if I could respond and I told her that I would. While in route I was contacted by Sgt. Jason Burton who filled me in on some more details and gave me the exact address of 603 E. Queen. I assumed that he would be very busy at the scene, so I cut our conversation short and proceeded to the address on Queen.

Upon arrival on Queen Street, I noticed several police cars with their overhead lights engaged. I also noticed a large crowd of civilians meandering in the street in front of the house and down the street in both directions. I contacted Sgt. Burton and Investigative Sgt. Billy Yates and both gave a general overview of what they knew at the time (See their supplements). Sgt. Yates and I walked to the back of the residence to where the shooting had occurred. I noticed immediately that outside of the back door to the residence there were numerous shell casings of what looked like pistol calibers strewn across the ground from at least the rear door of the residence to the west side of the back of the residence. I made entry just inside the threshold of the rear door and observed the body of a young Hispanic male lying in a semi-prone position on the floor. I then exited the residence.

At some point I noticed that CSI supervisor Sgt. Jeff Rackliff was being briefed by Officers Brandon Lott and Collin Hale who had been present during the shooting. I walked with them to get an idea of what had preceded the shooting. The account that they gave at the scene matched the later supplements which I read a day later (See Lott

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SHARRON, S. A. (8020)*

Date / Time: *01/02/2013 00:00:00, Wednesday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

and Hale supplements). It was during this time that I was notified by Sgt. Noe Balderas that family members were upset because they had not been told which hospital the suspect, whose name I did not know at the time, had been taken to. I was not sure of the reason why they did not know that his body remained inside, but I assumed it was because of the immediate confusion that normally accompanies these types of events.

I went to the front of the house and met with a woman who identified herself to me as Christina Fuentes, DOB [REDACTED] and who seemed to have taken on the family spokesperson role. She told me that the man who had been shot was her brother Victor Fuentes. She told me that her family had been told that he had been transported to the hospital and family members were not able to find him. It was at this point that I advised her that her brother was deceased and that his body still remained in the house. She became visibly upset and began to yell at me at which point I asked her to calm down, so I could explain how the investigation would proceed. I then took a few minutes to field a call from District Attorney Matt Bingham in which I explained to him the details I knew at the time. When I was done I was approached by Christina Fuentes again who appeared much calmer. I asked her how old Victor was and where he lived. I also asked her if she had been at the house when the shooting occurred. She replied that she had not, but several family members had been. I asked her to remain near, so that she could identify those people to investigators. I also asked her to help with keeping other family members calm. She told me she was a criminal justice major in college, so I used that to explain how important it was for us to do a thorough investigation and this would require cooperation and patience by her family. Our conversation revolved mostly around the steps in this type of investigation including procuring a search warrant, etc.

A short time later Christina Fuentes approached me with another female named Erica Fuentes DOB [REDACTED] and an unidentified Hispanic male who told me he was an uncle of Victor Fuentes. Erica told me that she was also a sister of Victor visiting from Austin and had been in the house when the shooting occurred. I asked her if she had witnessed the shooting and she told me that she had not witnessed it because she was

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*
Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SHARRON, S. A. (8020)*

Date / Time: *01/02/2013 00:00:00, Wednesday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

in the front room with several other family members watching TV. I asked her if anyone she knew of had witnessed the shooting and she told me no. I asked her if Victor had been in the backyard shooting a gun in the air this date and she told me that Victor had not been shooting a gun at any time during this evening, but her father had. I repeated to her Victor's father had been shooting, to which she responded yes. I took her information and told her that an investigator would be talking to her soon. From that point forward I simply managed some of the administrative aspects and at approximately 0315 I left the scene when I realized that all the resources were in place to conduct a complete investigation into this incident.

This completes my supplement.

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *ROBERTS, G. W. (8182)* **Date / Time:** *01/03/2013 00:00:00, Thursday*
Supervisor: *YATES, B. W. (10067)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

-----SUPPLEMENT/GWR-----

Reporting Officer: ROBERTS, GREGG (8182)
Added By Employee: ROBERTS, GREGG (8182)
Supplemental Supervisor: YATES, BILLY (10067)
Added Date: 01/03/2013

On January 1, 2013 at about 0100 hours I received a call from Sergeant Bill Yates of the Tyler Police Department. He is the supervisor over the Crimes Against Persons Unit. He advised me that there had been an officer involved shooting at 603 East Queen Street, Tyler, Texas. He asked me to respond to the scene to assist. The weather was somewhat cold, about 41- 42 degrees Fahrenheit, and it was raining lightly. I responded to the scene. I parked in the 400 block of East Queen Street and walked up to the scene due to the numerous police cars (overhead lights on) creating a protective perimeter around the scene. I noted as I walked up to the scene that there was crime scene tape up around the perimeter of 603 East Queen Street, Tyler, Texas. I contacted Tyler Police Officer J. Smedley, as he was in charge of the crime scene log. I entered the scene from the east side driveway and walked south to the rear of the residence. The ground was wet and I was careful to avoid evidence as I walked. I contacted Sgt. Yates near the rear of the residence. I noted several shiny brass shell casings at the rear of the residence. They were on the ground. There was a rear entry door that was ajar. I noted at least one empty shell casing on the threshold of the door, near the hinge side. Sgt. Yates and Chief Sharron were both at the rear of the residence. I was given a brief synopsis of case by Sgt. Yates. I could see into the back door of the residence. I observed a male subject of Hispanic ethnicity on the floor of the room. He was wearing black shoes, black long jeans and a black jacket. He was on his left side and was clearly deceased. I could see that he was wearing a red and black plaid shirt under the jacket. He was handcuffed with the hands in front of his torso. There was blood to the rear of the subject and I noted at least two live rounds (bullets) in the room near the head of the deceased subject. I was told that his name is Victor Fuentes. There was a pool of blood behind the subject. The blood was not coagulated. I went back to the street and spoke briefly with Detective Nathan Elliot and Officer S. Tizcareno. I decided to attempt to identify and persons that may have

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Supervisor: <i>YATES, B. W. (10067)</i>	Supervisor Review Date / Time: <i>NOT REVIEWED</i>
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been witnesses. I had already been warned that there was some hostility encountered initially. I began to speak to several subjects gathered just outside the crime scene tape east of 603 East Queen, Tyler, Texas. They were in the street and some were somewhat upset. I began speaking to them about the time that a local attorney, Beau Sinclair arrived. He advised that he was present to represent the family. I worked with him to identify several family members that were present at the residence at the time of the incident. We worked out that they would meet Detective Elliot and me at the Tyler Police Department. I then contacted Sgt. Noe Balderas at the scene and asked him to send a Spanish speaking officer to the Police Department to assist with interviews. He sent Officer Bianca Cortez to the assist.

I then went to the Tyler Police Department and met up with Detective Nathan Elliot. We went to the front lobby of the Tyler Police Department and contacted the parties in the lobby. I spoke with Beau Sinclair. He is the attorney at the scene. He requested that he and another attorney be allowed to sit in on the interviews. I consulted with Sergeant Yates and we decided that the attorneys could sit in on the interviews.

I interviewed Luis Angel Fuentes first. The interview was conducted in interview room one of the Tyler Police Department located at 711 West Ferguson Street, Tyler, Texas. The start time of the interview is about 0324 hours. Beau Sinclair (attorney) was in the interview room as well. Louis Angel Fuentes was wearing an orange jacket, red/black shorts and a black t-shirt with a screen print on the front of the shirt. He was wearing earrings in both ears. I did not see any visible injuries or marks on him. He advised that he resides at 603 East Queen, Tyler, Texas. I asked him to take me through what happened. He said that it was like a normal New Years Day, everyone was popping fireworks and that he was in the living room. He described that room as the room with the Christmas tree. He claims to have heard nothing out of the ordinary prior to hearing shots coming from the rear of the residence. He said that he ran towards the bedroom with his mother and saw uniformed officer with an assault rifle. He said that another uniformed officer came in and ordered everyone to get down or move away. He initially said that he pushed his mother, but upon further

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questioning I was able to determine that the officer did not make physical contact with her and that the officer motioned towards them to get back. He then said that he saw Victor fall. I asked him further question on that and he said he saw his shoes fall. Louis Fuentes then verified he was in the living room when he heard the three shots and that he ran towards the room. He described the officer with the assault rifle as tall, bald-headed wearing a police uniform. He said another officer came in and he told everyone to get back. He confirmed that this officer never touched anyone, but gave verbal commands He further described the second officer as short and wearing glasses. I then asked him what he heard before the shooting and he claims to have heard some fireworks prior to the shooting. He said there was a lot and that he could hear them. Louis Fuentes said that the side door was open and a fire was going outside of the side door. He said that some sparklers (he called them sprinklers) were going. He finally said that the fireworks he heard prior to the shooting in the house were far away. He denies hearing anything loud prior to the shooting. He said it was quiet and he heard the door open and the three shots. He said that the following people were also at the residence at the time of the incident, Polo Ibarra, Yunuen Uni Blas, Erica Fuentes, Juan Fuentes (father) and Victor Fuentes. He said that his mother, Angelica Fuentes was outside, but came inside when she heard the shots. He also said that Victor's three children were at the residence. He admitted that he could not see into the room from where he was initially. I asked him if he had ever seen his brother with a gun. He said that he had not ever seen his brother Victor with a gun. I asked him if he had seen any firearms in the house and he said no. He interjected that it was wrong for the officers to just go in there. I asked him if he saw them come in and he admitted that he did not, that he only heard the shots from the other room. He admitted that he did not see the shooting occur, only afterwards. The interview was concluded at 0338 hours. The interview was recorded and saved.

The second interview was with Juan Fuentes, date of birth of [REDACTED] The interview was conducted in interview room one at the Tyler Police Department. Beau Sinclair (attorney) was present during the interview as well as Officer Bianca Cortez. Officer Cortez was present to assist with any Spanish/English translations. Juan Fuentes

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Date / Time: *01/03/2013 00:00:00, Thursday*

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does seem to speak English, but I wanted Officer Cortez present to assist, since Spanish is his primary language. Juan Fuentes was wearing a blue and white checkered button up shirt, with long sleeves, blue jeans and tan boots. He did smell of alcohol and appeared to have been drinking. He gave his cellular telephone number as [REDACTED]. He said that has a car wash (Fuentes Car Wash) at 3210 West Gentry, Tyler, Texas. He said his home address is 603 E. Queen, Tyler, Texas. He said that he was about to go outside with Victor when they kicked in the door and were screaming. He claims he was in the back room of the residence with Victor. I asked him if he saw the whole thing happen and he replied, Yes sir. I then asked him how long they had been in the room and he said not long, ten or fifteen minutes. He said that no one else was in the room with him and Victor. He said that he was outside with Victor earlier, but that the ten to fifteen minutes prior to the shooting Victor was inside the room with him and had not gone outside during the time period. He also denied having been outside during that ten to fifteen minute time period. I asked him if he heard any gunshots prior to the incident at his house and he said that he heard several gunshots from across the street. He described it as from big guns, not fireworks. I asked him if he had fired a gun today and he denied having fired a gun. I asked him if Victor fired a gun today and he said that he said he did not know. I asked him if he saw Victor with a gun today and he said, no. He said that he has never seen Victor with a firearm. He said that he specifically had not seen Victor with a gun tonight. He claims to have lived at the residence for the past ten years. I told him that I saw numerous shell casings in his back yard tonight. He claims that he was back there at around noon and did not see them. He claims to be unaware of anyone firing a gun at his residence on this date. He said that he knows what a shell casing is. I asked him what he saw happened. He began to speak in part Spanish and part English. Officer Bianca Cortez assisted. He claims the officers kicked the door in. When I pressed him for more details, he does not remember. He finally settled on that he did not know if the police opened the door or kicked it open. I asked him where he was standing he describes being inside, on the side with the hinges, which would be to the right if you are facing the door. He described that when the door opened that it hit the back of his right shoulder. This would put him facing away

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from the door. He puts Victor as in the room about center. He said that it did not hit him too hard. When I pressed him for more specifics, he says he does not remember. He finally said that Victor was walking out, I understood facing the door. Then he said that they killed my son. He said the officer was wearing a uniform and had a long gun. He said that he heard three shots. I asked him if Victor had anything in his hands that could be perceived as a weapon and he said that he did not know. I asked him if Victor pointed towards the officers and he said no. He then said that Victor did not do anything. I asked him if Victor had a gun and he answered by saying the Victor did not do anything to him. I asked him the same question again and he answered it the same way, again. I then asked him a third time if Victor had a gun in his hand and he said, I dont know. I asked him, could Victor have had a gun in his hand and he replied, I dont know. I then asked him could he have had a gun in his hand and he said, You go find it out, I dont know. I asked him if he saw one and he said no. I asked him if he had seen any guns today at his house and he said, no. I asked him what happened after they fired three times. He said that his son was dead. He said the police came in and he made some comments that the police pushed his wife. He said that officer had a gun in his hands he further described him as having a rifle. He was unable to specifically articulate this. He said that he heard the officers say, Put the guns down. He was unable to say whether or not this was said prior to or after the shooting. I asked him in the ten or fifteen minutes prior to the incident if heard any gunshots or fireworks behind his house. He said that it was everywhere. I asked him if he fired any guns tonight and he said, No. I asked him if I swabbed his hands would I find any of the gasses that guns emit when being fired. He became defensive and asked why I got to do that. I told him I did not have to that I was asking. His attorney said that he would advise his client against that. I then concluded the interview at about 0405 hours. The interview was recorded and saved.

I then went out and spoke with Apolonio Ibarra. He is the father of Polo Ibarra. He gave me permission to interview his son Polo Ibarra, who was at the residence at 603 E. Queen, Tyler, Texas tonight. I then escorted Polo Ibarra to interview room one at the Tyler Police

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Reference: *Supp*

Department. Beau Sinclair (attorney) was present during the interview. Polos date of birth is [REDACTED] and he said that he lives at [REDACTED] [REDACTED] Tyler, Texas. He said that he is a student at [REDACTED] [REDACTED] in Tyler, Texas. He was wearing a red long sleeved shirt and tan pants. He said that earlier tonight he was in his sisters room at the house. His sister is Yunuen Uni Blas. He said that he was alone in the room. He said that he heard three gunshots that were loud. He said that he heard the police say get down. He said that he went to the living room. He was not in a position to have visually witnessed the shooting. He did say that he heard fireworks both near and far away this while he was at the house. He said that an officer told him to sit on the couch and he did. He claims that the following people were at the residence tonight Uni Blas, Luis Fuentes, Juan Fuentes, Janet (Victors wife, Victor Fuentes and the three kids. The interview was concluded at 0427 hours. The interview was recorded and saved.

At that point Detective Elliot and I finished interviewing the witnesses. I then returned to 603 East Queen, Tyler, Texas. I entered the scene and met with Sgt. Yates. He advised that the search warrant had been issued and that the crime scene unit was still processing the scene. We conducted a general search of the other rooms in the residence and did not find any weapons, ammunition or contraband. After the general search was conducted I briefly assisted Sgt. Rackliff in holding the measuring tape and obtaining some paper sacks for him to put evidence into. I observed him remove the handcuffs and bag the hands of the deceased subject. I did observe an RG revolver on the ground slightly behind the body of Victor Fuentes. There was a bullet in the blood on the ground near the entrance to the living room. I also noted that there was room that adjoined the back room on the west of the room where the body was located. There were several bottles of tequila, a Hi Point pistol, a magazine and additional ammunition and firearms components.

I then left the scene and returned home.

-----SUPPLEMENT-----

Reporting Officer: *YATES, BILLY (10067)*

Added By Employee: *YATES, BILLY (10067)*

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Contact: **Reference:** *Supp*

Supplemental Supervisor: *YATES, BILLY (10067)*
Added Date: *01/03/2013*

CASE NUMBER: 13-00003
CASE DISPOSITION/STATUS: Closed
INCIDENT TYPE CHANGED TO: Aggravated Assault on Public Servant
ORIGINAL REPORT DATE: 01-01-2013
DATE OF SUPPLEMENT: 01-02-2013
WRITTEN/TYPED BY: B. Yates

NARRATIVE

On January 1st 2013 at approximately 0010 A.M., I, Sergeant Billy Yates received a phone call from mid-night shift patrol sergeant, Jason Burton. Sergeant Burton informed me of an officer involved shooting that occurred in the 600 block of East Queen. Sergeant Burton stated that Officer John Matthew Riggle was the officer involved in the shooting that the suspect was deceased. Sergeant Burton went to say that there were several people on scene causing problems because of the shooting. After speaking with Sergeant Burton, I contacted Detective Nathan Elliott and relayed the same information to him that I was given. I in-turn called Detective Craig Shine. Detective Shine later returned my phone call and he was given the same information I was. I also contacted my chain of command, Assistant Chief Steve Sharron. Chief Sharron was already in route to the location.

I later arrived at the location and made contact with Detective Elliott who arrived at the same time I did. I asked him to start gathering as much information as he could in reference to the shooting so that we could have a starting point to begin our investigation. I made contact with Detective Shine again and had him go to the police department in order for him to start typing a search warrant for the residence, 603 East Queen. I made contact with Sergeant Burton and asked for the basic information as to what happened. Sergeant Burton stated that Officers Riggle, Brandon Lott and Collin Hale had responded to a shots fired call in the north east portion of North Tyler. While there, they heard several gun shots coming from the 600

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block of East Queen. Once they were able to locate the residence where the gunshots were coming from, they made their approach. Officers noticed that the gunshots were coming from the rear of the residence due to several rounds being fired as they were approaching. Sergeant Burton went on to say that as the officers made contact with the suspect, later identified as Victor Fuentes dob: [REDACTED] they gave him verbal commands to drop his pistol. The suspect entered his residence and refused to comply with the verbal commands being given to him by Officers Riggle and Lott. Once the suspect entered the residence Officer Riggle approached the rear door and continued to give verbal commands. It was there that Officer Riggle fired his patrol rifle and struck the suspect.

After speaking with Sergeant Burton, I walked to the rear of the residence. While near the back door, I noticed a small retaining wall. This was located just outside of the rear door and runs east and west. Along the wall were many spent casings that had been fired. There were so many that it would be impossible to give an estimate on the amount. While looking in the rear door I noticed a Hispanic male lying on the floor wearing all black. The male was handcuffed in the front and had several live pistol rounds next to his body. There was a medium to large pool of blood directly behind his body. Also located behind the suspect was a dark colored revolver with a dark brown handle. I was unable to see where the suspect had been struck. After viewing the body, all officers backed out to wait for the search warrant to be completed.

Due to the number of witnesses at the scene at the time of the shooting, I contacted Detective Gregg Roberts to assist us. Detective Roberts arrived a short time later and I informed him of the shooting and ask that he identify the witnesses and have them go to the police department for interviews. Once the witnesses were identified and in route to the police department, I made contact with Officers Lott and Hale.

I had both officers walk myself, CSI Sergeant Jeff Rackliff, A/C Steve Sharron, and Detective Elliott through the events leading up to the shooting. Officer Lott stated that gunshots were heard coming from

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the rear of 603 East Queen. Officer Lott walked the same route as the officers took on their approach to the rear of the residence, which was from the neighbors driveway on the west side of 603 East Queen. Officer Lott stated that he noticed muzzle flashes coming from the rear of the residence every time a round was fired. Once at the rear of the residence they observed a Hispanic male with a dark colored revolver in his hand. He explained that verbal commands were given to the suspect to drop the weapon and that he failed to comply. Officer Lott went on to say that suspect entered the residence after failing to comply with their verbal commands. He went on to say that Officer Riggle approached the door and continued to give verbal commands to the suspect to drop the weapon. I asked Officer Lott if he was able to see the suspect at the time of the shooting and what he did to cause Officer Riggle to fire his weapon at him. Officer Lott stated that he was unable to see the suspects actions at the time of the shooting due to him being unable to see inside the residence. Officer Lott stated that he was positioned behind Officer Riggle and was unable to see inside the residence where the suspect was located. Please see Officers Lott and Hales report for further details.

After speaking with Officers Lott and Hale, they were instructed to go to the police department. I had Officer Jessica Doughten go to the police department in order for her to check their magazines for ammunition as well as their extra magazines located on their duty belts. Officer Lotts and Hales firearms were taken so that it could be later submitted to DPS for firearms analysis.

Later, Detective Shine completed the search warrant. The warrant was signed by Judge Kennedy and assigned warrant number CK-01-0013- B. Detective Shine also completed a search warrant on a vehicle that was parked in the roadway that had originally been parked at the residence. The warrant number assigned to that vehicle was CK-01-0013- A. Once the search warrants were completed, I contacted Sergeant Rackliff so that the scene could be processed for evidence.

While at the rear of the residence, I began looking around at the empty shell casings on the ground and while doing so I noticed the letters NSB in black on a hard surface and also the word Norteno

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spray painted on the frame of a wooden structure. These letters are the initials for a local criminal street gang, North Side Bloods also known as Nortenos. The Nortenos criminal street gang has lengthy history with the Tyler Police Department, with crimes ranging from homicide to auto burglary.

Once Judge Alfred pronounced the victim, he was rolled over to determine where he had been shot. It was apparent, once his shirt was removed, that he was shot in the upper chest (right nipple) and the lower right quadrant of his abdomen. Fuentes also had an injury to the back of his neck, but we were unable to tell if it was an entrance or exit wound. We also noticed that a chair was struck by a bullet. Both the two front legs of the chair had holes due to being struck by the bullet. We also located where a bullet had struck a face plate of tile in the living area of the residence. The bullet strike on the face plate would be along the same trajectory as the bullet that struck the chair.

After viewing Fuentes injuries, I walked into a room that was connected to the bedroom where Fuentes was located. The room was cluttered with miscellaneous items including two chests of drawers. Lying on top of the one of the chests of drawers was a black Hi-Point .40 caliber pistol. Next to the pistol was an empty extended magazine for that weapon. There were several boxes of ammo near that pistol. One box was for a .40 caliber pistol and the other was for a .38 caliber pistol. I also noticed a .22 caliber rifle leaning in the corner of the room as well and I did notice one spent .22 caliber casing on the floor next Fuentes.

After viewing the body, a search of the residence was conducted by me and the other detectives on scene. During the search, several red bandanas were located in different bedrooms. Bandanas are used by gangs to show other rival gangs who they are affiliated with. Red is also the adopted color for the Nortenos criminal street gang. These bandanas were photographed by CSI and left at the scene. No other weapons were located at the scene.

Once the scene was searched, I left the location and went to the

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *YATES, B. W. (10067)* **Date / Time:** *01/03/2013 00:00:00, Thursday*
Supervisor: *YATES, B. W. (10067)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

police department. I met with Detective Shine and Elliott. We had a brief meeting to discuss what direction the investigation was heading and what else needed to be done today. After speaking with the detectives, I left the police department.

Please see other officers and detectives reports for further details.

-----SUPPLEMENT-----

Reporting Officer: HOLT, JAMES (9361)
Added By Employee: HOLT, JAMES (9361)
Supplemental Supervisor: Not Recorded.
Added Date: 01/03/2013

SUPPLEMENTAL NARRATIVE

CASE ATTACHED: 13-3

CASE DISPOSITION/STATUS:

INCIDENT TYPE CHANGED TO:

ORIGINAL REPORT DATE:

VICTIM, COMPLAINANT, BUSINESS:

DATE OF SUPPLEMENT: 01/03/2013

WRITTEN/TYPED BY: James Holt

NARRATIVE

At about 0700 on January 1st, 2013, I was contacted by Sgt. Grissom and requested to respond to this incident at 603 E. Queen. I was asked to respond to assist Crime Scene with the diagramming of this scene due to my experience with the specialized equipment used. Sgt. Grissom stated that I would be working with Officer Gummer. I responded directly to the scene and arrived just before Officer Gummer, who had brought the AI van and equipment. Upon arrival I did check in with Officer Parrish who entered me into the crime scene log. I then located Sgt. Rackliff who briefed Officer Gummer and myself. He showed us the primary crime scene area that we would be dealing with. This was the back yard area of the residence that contained multiple bullet casings. The inside of the residence was being mapped by other means and would not be mapped using the Sokkia station that Officer Gummer had brought. The outside crime scene area is roughly

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *HOLT, J. W. (9361)*

Date / Time: *01/03/2013 00:00:00, Thursday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

composed as follows. This location is in an older residential neighborhood. This specific address is on the South side of the roadway. The residence itself is a wood frame house, facing north, with multiple additions to the back. The front of the residence is behind a moderate height retaining wall that rises about 4 to 5 feet above ground level, on the street side. The ground level is higher on the residence side. The driveway for this residence is located on its East side with a parking area toward the rear, but not behind the residence. The rear of the residence is dominated by a large Oak tree and a small shed. There is a short retaining wall, 4 to 8 inches in height, about 3 to 4 feet behind the residence. It extends parallel to the entire length of the residence. This back area is open into the back yard of the neighboring residence. There was an apparently hostile dog tied in that back yard. The neighboring resident was later asked to move the dog to facilitate the mapping of the outside of the primary address. Beside the primary residence, along its West side, is a 4 foot chain link fence that runs toward the street. It starts about 10 foot prior the rear of the residence and about 6 foot away. It then continues to the block retaining wall that goes across the front of the residence and encompasses the primary front yard. At the front retaining wall the fence is as close to almost touching the residence. It is near impossible to walk from the front of the residence to the rear along this side of the house, inside this fence. On the West side of this fence is a sloped driveway, rising from the street through a rock retaining wall to a rear parking area for the neighbors use. To encompass the majority of the necessary scene, Officer Gummer and I decided to set up the Total Station at the Southwest corner of the property in the open area between the two yards. From this point we had line of site vision to and did measure and document the following physical features of the property:

- The west and south visible walls of the residence.
- The location of that rear doorway in the south wall.
- The west neighbors driveway.
- The property separating chain link fence.
- The short retaining wall in the back yard.
- The shed in the back yard.
- The south side of Queen Street, as located in the area of the neighbors driveway.

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Investigator: *HOLT, J. W. (9361)*

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After that, and with the assistance of Sgt. Rackliff, each known bullet casing was measured in its location as we found them upon our arrival. The procedure used for this was to measure the location of a casing. That measurement was tagged with a sequential number, starting at number one, and the caliber of the round collected. The round was then collected and marked with the same sequential number attached to the measurement. Sgt. Rackliff took possession of all the casings and the occasional live rounds that were located. There was one casing, a 38 caliber that was located just out of line of sight on the east side of the east wall. It was marked at about 8 inches due south of its actual location. It was decide at that time to mark this one round as described, rather than perform a station move. In all, 126 casings were marked and recorded. This number includes a handful of live rounds. Also, one bullet fragment was located on the back retaining wall in the area of the rear door. It was measured and tagged as a fragment. After measuring the scene, the information was taken back to the PD where a printout of the measurement data was created for Sgt. Rackliff and Det. Elliott. A preliminary diagram was also created using graphical representations of the measurements to create an accurate representation of the scene, as Officer Gummer and I found it. This concludes my involvement in this incident as of this date.

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *BAUSELL, J. M. (9164)*

Date / Time: *01/04/2013 00:00:00, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----SUPPLEMENT NARRATIVE-----

Reporting Officer: *BAUSELL, JOHN (9164)*
Added By Employee: *BAUSELL, JOHN (9164)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *01/04/2013*

I assisted Det. Elliot with this case on 1/3/2013. He asked that I recover any video available from the in-car computers and test the transmitters. He informed me that on the video from 10836, the transmitter appeared to turn on and off repeatedly. The audio from 1518 appeared to stay on, but the transmitter traffic was inaudible.

He gave me keys to both vehicles. Using the armory inventory system, I found out which transmitters were used by Officers Lott and Hale during the incident. Lotts transmitters serial number was [REDACTED] Hales transmitters serial number was [REDACTED]

I recovered the original recordings from both vehicles. These recordings were uploaded to Det. Elliots Z: drive.

Officer Caudle had [REDACTED] checked out. When he gave it to me, I noticed it didnt have an antenna. He said the transmitters work fine for traffic stop distance with no antenna and fit better in a uniform pocket without one. I noted four additional transmitters in the armory that did not have antennas. I put antennas on them from the stock of spares available.

Officer Lenderman had [REDACTED] checked out. It did have an antenna when he gave it to me.

I drove 10836 to the PDs parking area at the southeast corner of the PD. I parked facing west in the slot closest to Ferguson St. I turned on the computer and synchronized transmitter [REDACTED] with it. I started the Coban application. I made a short video to test the transmitter. No audio was recorded from the transmitter. The application showed the transmitter turning on and off repeatedly. I stopped the recording. I removed the battery from the transmitter so it could not generate a signal. I started another recording. The

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application stated the transmitter was turning on and off repeatedly as it had during the previous test. The problem was with the computer and not the transmitter, as the transmitter could not have been sending it on and off signals with no battery installed. Det. Elliot observed the tests performed on 10836.

I drove 1518 to the same spot and parked it in the same manner. I synchronized transmitter [REDACTED] to the computer. I recorded a short video as a sound test. I left the antenna off the transmitter for the test. I stood immediately in front of the car for the test. My voice was recorded successfully and could be easily understood. I made a second recording with the antenna off of the transmitter. I placed the transmitter inside a coat pocket near the center of my chest. For this recording, I started at the rear of the vehicle and walked directly east along Ferguson St. I counted each step out loud. I walked two hundred steps. At two hundred steps, I was directly south of the trash can next to the east - west sidewalk that leads to the back door of City Hall. The first count that could not be understood during playback was 19 paces, or 42 feet. The last count that could be understood was 51 paces, 111 feet. I put an antenna on the transmitter and repeated the test. This time, the first count that could not be understood was 56 paces, 122 feet. The last count that could be understood was 119 paces, 260 feet (I actually said 19 on this count as I started over at 101.) The weather was clear and sunny during the tests. Nothing except my body interfered with line of sight between the transmitter and the vehicle during the test.

Sgt. Rackliff used a wheeled measuring device to determine how far my 200 paces were, 437 feet. The distances in feet in the narrative above are based on this ratio.

On the afternoon of 1/3/2013, Sgt. Rackliff brought a pink camera in to my office. He took a SD card out of the camera and asked me to recover any images from the card while protecting the integrity of the data. Sgt. Rackliff enabled the mechanical write block on the card. I created an image of the card using FTK imager. I returned the card to Rackliff. I processed the image using FTK 3.3. I looked at all recovered images afterwards. I saw three unique images of a

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Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

middle-aged Hispanic male posing with two pistols. Sgt. Rackliff was made aware of the results.

I had Sam Henderson give me a listing of computer maintenance requests on 10836 for the past two months:

11/13/2012 mdb bad traffic

11/24/2012 will not allow mic to sync properly

11/26/2012 will not allow mic to sync properly

12/18/2012 runtime error 71

12/18/2012 cpu replaced due to runtime error at request of Coban representative Dan Lam

I examined the videos recorded on 12/31/12 in 10836 by Officer Hale. There were five videos. All five experienced the mic on / mic off issue seen on the 1/1/13 video.

-----Supplement Narrative-----

Reporting Officer: LENDERMAN, JAMES (7843)

Added By Employee: LENDERMAN, JAMES (7843)

Supplemental Supervisor: Not Recorded.

Added Date: 01/04/2013

On this date, 01-01-2013 I reported to work at my regular time. I entered the police building at about 0530. When I walked in, Sgt Burton advised me to go ahead and load up, and go to 603 E Queen, and relieve midnight officer B Ewen, at the scene of a shooting that had occurred. I loaded my gear and went to the location. I arrived and contacted Sgt Balderes and advised him that I was there to relieve an officer. I took Ewens place blocking the road on the east side of the residence. I remained at that location until Lighthouse Transport arrived. I escorted them to the rear of the residence where the investigators were. I then returned to my original location until released at approximately 1130. I had no further involvement in the case.

-----SUPPLEMENT/CSHINE-----

Reporting Officer: SHINE, CRAIG (9244)

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SHINE, C. W. (9244)* **Date / Time:** *01/04/2013 00:00:00, Friday*
Supervisor: *YATES, B. W. (10067)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

Added By Employee: SHINE, CRAIG (9244)
Supplemental Supervisor: YATES, BILLY (10067)
Added Date: 01/04/2013

On 01/01/2013 at 1240 hours, I spoke to Sgt. Yates on the phone and he advised me there had been an Officer involved shooting located at 603 E. Queen in Tyler. Sgt. Yates advised that from his understanding, Officer John Matthew Riggle was the Officer involved that shot his weapon and killed a male subject at the scene. Sgt. Yates advised that he wanted me to respond to the Tyler PD and begin working on an affidavit requesting a search warrant for the residence located at 603 E. Queen as well as any vehicles involved in this incident.

I arrived at the TPD and called and spoke to Det. Nathan Elliott and Sgt. Yates. Both provided me with the details included in the affidavit that I prepared. Sgt. Yates explained to the following: On December 31st, 2012 at 11:57 P.M., Officers of the Tyler Police Department were dispatched to the residence located at 603 East Queen in Tyler, Smith County, Texas in reference to a suspicious noise-gunshots call for service. Officer John Matthew Riggle was one of the responding Officers. When Officers arrived, more gunshots were heard in the area behind the residence located at 603 East Queen. Officers responded to the area behind the residence. As they walked behind the residence, Officers observed the muzzle of a handgun pointing out the opened back door of the residence. Officer Riggle engaged in verbal dialogue with a male subject, later identified as Victor Fuentes. Victor Fuentes turned and walked away from Officer Riggle back into the residence and Officer Riggle followed, continuing verbal dialogue with Victor Fuentes. During this encounter, Victor Fuentes pointed a handgun at Officer Riggle. Officer Riggle engaged Victor Fuentes with his patrol rifle and shot Victor Fuentes several times. Officer Riggle was wearing his distinctive Tyler Police Department uniform displaying his badge. .
Detective Elliott provided me with the details and description of the residence as well as the vehicles parked on the property of 603 E. Queen. He advised that the vehicles parked on the property were described as follows: a teal green colored 1993 Chevrolet 1500 2dr pickup truck bearing Texas License Plate [REDACTED] a white Chevrolet

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Investigator: *SHINE, C. W. (9244)*

Date / Time: *01/04/2013 00:00:00, Friday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

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Reference: *Supp*

Trailblazer 4dr bearing Texas License Plate [REDACTED] a maroon Mercury Grand Marquis 4dr sedan bearing Texas License Plate [REDACTED] a pearl white Chevrolet Avalanche 4dr truck bearing Texas License Plate [REDACTED] a white Ford Crown Victoria 4dr sedan bearing Texas License Plate [REDACTED] and a white GMC pickup truck 4dr bearing Texas License Plate [REDACTED]. Detective Elliott further explained that when this incident occurred, there was a blue and silver 1993 Chevrolet 1500 pickup truck bearing Texas License Plate [REDACTED] that had been parked in the driveway of the residence, but after the incident, Officers had allowed an adult male subject who claimed it was his vehicle to move the vehicle out of the driveway and onto the street so that he and a female subject could sit in the vehicle to keep a baby out of the elements. It was very cold and raining at that time. Since that vehicle had now been moved off of the property and curtilage of 603 E. Queen, I determined that a separate affidavit requesting a search warrant for that vehicle would be required to search that vehicle. Based on all the information provided by Det. Elliott and Sgt. Yates, I prepared two affidavits requesting search warrants. One for the residence located at 603 E. Queen including all structures and vehicles on the curtilage of the residence, and one for the Chevrolet truck bearing Texas L/P [REDACTED] which was parked on the street in front of the residence. I called and spoke to Judge Kennedy who agreed to meet with me to read the affidavits. I presented the affidavits to Judge Kennedy of the 114th District Court in Tyler. After careful review of both affidavits, Judge Kennedy issued search warrant CK-010113-A for the search of the Chevrolet truck parked in front of the residence and search warrant CK-010113-B for the search of the residence located at 603 E. Queen and all vehicles and buildings on curtilage. I notified Sgt. Yates that both search warrants had been signed and he then instructed me to respond to the scene. .

I arrived on scene and parked in the roadway of 600 E. Queen. I observed that the crime scene had been secured with crime scene tape and that the roadway had been closed off with Tyler Police vehicles. I observed the residence located at 603 E. Queen and noted that it was consistent with the description provided to me by Det. Elliott and that I had included in my search warrant affidavits. I then notified Officer Smedley that I was entering the crime scene area. I met with

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Supervisor: *YATES, B. W. (10067)*

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Reference: *Supp*

Sgt. Yates and Det. Elliott and it was determined that Det. Elliott and I would begin searching the vehicles at the scene once Inv. Craig Williams was completed filming and photographing the crime scene. I noted that all of the vehicles at the residence were parked in the driveway which is on the East side of the residence. There was a retaining wall at the back yard of the residence on the South end, which is also where it was explained to me that Officer Riggle had engaged with Victor Fuentes in verbal dialogue and then followed Victor Fuentes into the bedroom on the South end of the residence and ultimately shot Fuentes. I was warned to watch my step as there were numerous spent and some unspent shell casings on the ground along the rear of the residence. They were all along the cement walkway near the exterior wall of the residence as well as on the ground behind the residence on the South end. I noted that there were shell casings of various calibers. Some appeared to be .40 caliber, 9mm, .38 special or .357 magnum. As I approached the door at the rear of the residence, I looked inside. I observed Victor Fuentes body lying in the South bedroom on the floor. He was lying on his left side with his head to the East and his feet to the West. His back was to the North and his face was toward the South. Victor was wearing a black jacket with white stripes on his wrist bands, collar and waist band, a black shirt, black denim pants and black athletic shoes. I noted that behind Victor Fuentes, there was blood pooled. In front of Victor Fuentes, I noted there was a .22 caliber spent shell casing.

Outside the back of the residence, I observed a wooden shed that was built and had Nortenos and NSB spray painted on it. There was also a square slab of cement or wood on the ground in front of that shed that had NSB spray painted on it. I know by my training and experience as a Tyler Police Officer that the Nortenos are also known as the North Side Bloods. They are an active criminal street gang in and around the City of Tyler and I have had many dealings with them.

Det. Elliott and I began to search the vehicle parked on the East side of the residence. I could not enter the white GMC pickup bearing Texas L/P [REDACTED] because it was locked. The silver or gray Chevrolet Avalanche bearing [REDACTED] was unlocked. I entered that vehicle and searched it for evidence. I located an insurance card in the name of

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Reference: *Supp*

Juan Fuentes and a Suddenlink bill in the name of Angelica Fuentes. The white Ford Crown Victoria bearing Texas [REDACTED] was locked and I could not enter it, as was the maroon Mercury Grand Marquis bearing Texas [REDACTED]. The white Chevrolet Trailblazer bearing Texas [REDACTED] was unlocked and I was able to enter and search it. I located an insurance card in the name of Juan Fuentes and Thaddeus Taylor. I located a Sams card in the name of Juan Fuentes with a photo on the back of it. In a womans hard case wallet, I located photos of children and a Social Security card in the name of Yanet Benegas with the number [REDACTED]. I located in the glove box of that vehicle Texas Medicaid Dental cards in the names of Hector Fuentes, Kimberly Fuentes and Victor Fuentes (refer to the photos for details of account and group numbers). I also located Medicaid cards in the name of Victor Fuentes and Kimberly Fuentes. I also located a Mexico Matricula Consular card in the name of Yaneth Venegas-Rodriguez. I photographed all the items noted and have retained those photos as evidence. Refer to Det. Elliotts supplement for information on any of the other vehicles he searched.

I entered the residence and assisted in the room to room search. I searched in a room located adjacent to the kitchen area to the Northwest. I noted that this room was painted in all red and black. There was a red bandana with black edges lying flat on the dresser and on top of the bandana were several red and black Chicago Bulls ball caps. I also noted there was a red Chicago Bulls jacket hanging in the closet of this room. There was a hand drawn picture on stuck on the wall with red rosary beads hanging from it. There was an extremely dominant red theme to this room. I find that to be consistent with the Northside Bloods and Nortenos writings found in the back of the residence.

Further North of the red and black room was a small hallway and then a childrens room and then a front living room. I noted that the childrens room was also painted in a similar dominant red theme. I found no items of evidentiary value out of the search of these rooms.

Det. Elliott advised that no items were seized out of the 1993 Chevrolet I500 pickup truck that was parked in the roadway in front of the residence located at 603 E. Queen. I placed a copy of the search

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warrant CK-010113-A and completed an inventory and return stating that no items were seized.

At the request of Sgt. Rackliff, I conducted a secondary search of the back bedroom located at the South end of the residence where Victor Fuentes was shot. I did this after his body was removed by the mortuary service. I observed Victor Fuentes body and noted several unspent shell casings lying immediately around his head and body. They appeared to be .38 or .357 caliber ammunition. I noted that Fuentes was wearing an earring on his right ear. There was a set of black handcuffs on his wrists. Behind his body was a black ball cap with the letters LK on the edge of the cap on the right side. Behind Victor Fuentes and on the floor near his waist was a black revolver with brown plastic grips.

After the mortuary service removed Victor Fuentes body, I searched the back bedroom for any other evidence that had not already been marked or removed. Finding none, I notified Sgt. Rackliff and stood outside for quite sometime while the Crime Scene Unit was accounting for all of the spent and unspent shell casings behind the residence. Prior to leaving the residence, I placed a copy of search warrant CK-010113-B in the kitchen/dining area on top of a stool in plain view.

On 01/02/2013 I returned to work and attended a meeting in reference to this investigation. I was assigned the task of going door to door to the nearby neighbors and ascertain if there were any other witnesses to the events of this incident that have not yet been identified. I contacted Officer Aparicio and Officer Zapata and the three of us went door to door contacting neighbors.

We contacted Juana Lopez at 601 E. Queen. She advised she was not at home when this incident occurred. She initially claimed to have never heard any shots from 603 E. Queen before. Upon further questioning, she stated that she hears gunshots from there every New Years Eve, but clarified she did not hear them any other times.

There was no answer at 523 E. Queen.

We contacted Francisco Quintero at 517 E. Queen. He quickly advised

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Contact:

Reference: *Supp*

that he hears gunshots from that residence often, especially on New Years Eve. He advised that his wife, Petra Quintero, has called the police on the gunshots from that residence before. Francisco Quintero volunteered his opinion that none of this would have happened if they obeyed the law. Francisco advised that he saw his neighbor across the street at 516 E. Queen talking on the news about this incident, so possibly he was home and heard some of the shooting.

There was no answer at 516 E. Queen, but I researched the address and the news footage and learned that the resident there is named Ricky Baggett. I called his work and was able to speak to him on the phone. I recorded my conversation with him and retained it as evidence. Baggett advised that the residence at 516 E. Queen where he lives used to belong to his mother. After his mother died, he moved into the house and has lived there for 7 years. Baggett advised that he often hears what he thinks is gunshots, but has never gone outside to investigate. He would not specify if he has heard shots from 603 E. Queen.

We contacted Marcello Hernandez at 518 E. Queen. Hernandez advised that he has lived there for about 6 months and was home at the time of this incident. Hernandez advised that he heard a lot of shots prior to police arrival and noted that they were of different calibers. He advised that he has heard shots at that residence prior to this incident, such as at Christmas.

We knocked on the door of [REDACTED] and contacted 13 year old Tracy Ochoa. She advised that she was home on New Years Eve, but left before midnight. She advised that she returned home and heard the shooting from this incident. She advised that she heard yelling. She told us that she hears shooting from that residence on other times such as New Years.

We were later contacted by Rufina Blas who advised she lives at 609 E. Queen as well. She advised that she heard the shots prior to this incident, but was not very forthcoming about details. Blas told us that Victor Fuentes was not in a gang and was very vocal about her disdain towards the Officers involved in this incident.

There was no answer at 621 E. Queen.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Tyler Police Department

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*
Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SHINE, C. W. (9244)*

Date / Time: *01/04/2013 00:00:00, Friday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

We contacted Adrian Rodela who advised that he has lived at 602 E. Queen for three years and often hears gunshots in the area, but could not specify where they would originate.

There was no answer at 606 E. Queen and neighbors told us that the man living there works nights and was most likely asleep.

We spoke to Lidia Perez at 610 E. Queen. She advised she has lived at that residence for 8 years and claimed to not hear gunshots. She advised she was not home during this incident.

There was no answer at 616 E. Queen.

We went to the three residences behind 603 E. Queen that are located on the North side of E. Rosedale. We spoke to Jose Julian Vargas at 612 E. Rosedale. He advised that he has heard shots in the area behind his house before, but could not specify where they originated. He advised he was not home during this incident.

We spoke to Juan Leon at 606 E. Rosedale. It should be noted this is the residence directly behind 603 E. Queen. Leon advised that on the night of this incident, he left to go to church at about 2000 hours. He advised that he heard someone behind 603 E. Queen shooting a gun and it sounded like it was a .22 caliber. He advised that he yelled to whoever was doing the shooting to please not shoot in the direction of his home. Leon advised that he did not know who was shooting or who heard him.

There was no answer at 600 E. Rosedale, but Leon advised that his son, Juan Leon, Jr. lives there.

No further this investigator at this time.

-----Supplement Narrative-----

Reporting Officer: DOUGHTEN, JESSICA (11375)

Added By Employee: DOUGHTEN, JESSICA (11375)

Supplemental Supervisor: Not Recorded.

Added Date: 01/04/2013

Investigator Signature

Supervisor Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *DOUGHTEN, J. L. (11375)*

Date / Time: *01/04/2013 00:00:00, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

On January 1, 2012 at approximately 0025 hours I, Officer J. Doughten, was dispatched to 603 E. Queen to assist officers at the scene with crowd control, driving Code 3 to the scene.

I arrived on scene and helped the officers there keep the growing number of gathering people away from the police tape and off of the scene.

Sgt Rackliff arrived on scene with other department heads. I was asked by Sgt Rackliff to assist him by returning to the Tyler Police Department and collecting and photographing the weapons of the officers who were on scene when the shooting occurred.

I went to the Tyler Police Department and contacted Officer John Riggle in the conference room. I took photographs of Officer Riggle with my Tyler Police Department issued digital camera. Officer John Riggle was in his standard Tyler Police Department uniform. I did a gun shot residue (GSR) test on both of Officer Riggles hands. I completed the GSR by following all of the written instructions in the kit and then sealed the kit and initialed the seal. I then collected Officer John Riggles rifle, rifle magazine and chambered round. I also collected Officer Riggles duty Glock handgun and the two magazines he carries on his duty belt. I took Officer Riggles weapons down to Tech Services. I photographed the rifle, including the make, model, and serial number. Officer Riggles rifle was a Smith Wesson MP15 with a serial number of [REDACTED]. There was one round chambered in the Smith Wesson. I photographed and bagged the chambered round. I then photographed the magazine Officer Riggle used with his MP15 a PMAG 30 Rifle Mag. After I photographed the magazine containing the ammo I removed the ammo from the magazine. I then photographed the empty magazine and the ammo it had contained. There were 26 rounds of Federal Ammunition removed from the PMAG 30 Rifle Magazine. The rifle magazine and all of the ammo was placed in paper evidence bags and sealed. I then photographed Officer Riggles Glock 31, including make, model and serial number [REDACTED]. There was one chambered round in the Glock. The round was removed and I photographed it, then bagged it. I then photographed the magazine that was in the Glock and then removed the ammo it contained. There were 16 round inside of the magazine that was in the Glock. I photographed all the ammo and the empty magazine, then placed it in a paper evidence bag and sealed it. I then

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Investigator: *DOUGHTEN, J. L. (11375)*

Date / Time: *01/04/2013 00:00:00, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

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Reference: *Supp*

photographed the other two magazines from Officer Riggles duty belt. Then one at a time I emptied the magazines, counted and photographed the ammo they contained. One of the magazines from Officer Riggles duty belt had 16 rounds in it and the other had 14 rounds in it. The magazines and the ammo were placed in paper evidence bags and sealed. Officer Riggles Glock and Smith Wesson rifle were both tagged and secured as evidence.

I then photographed Officer Brandon Lott. Officer Lott was wearing his standard Tyler Police Department uniform. After I photographed Officer Lott I collected his duty weapon from his duty belt. Officer Lott carried a Springfield Armory USA .40 caliber handgun with two extra magazines on his duty belt. I photographed the Springfield including its make, model and serial number [REDACTED] Officer Lotts Springfield had one round of Federal .40 SW round in the chamber. In the magazine that was in Officer Lotts Springfield contained 16 rounds of ammunition. There were also 16 rounds of ammunition in each of the other two magazines which were in Officer Lotts duty belt. All the magazines and ammunition was photographed then placed in evidence bags and sealed. Officer Lotts rifle was also collected and photographed. Officer Lott had a Noveske N4 rifle with two magazines. I photographed the rifle, its make, model and serial number [REDACTED] I then photographed the two rifle magazines which were connected by a double magazine connector. Each rifle magazine contained 28 rounds of Federal .223 ammunition. The magazines were collect, the ammunition counted and both were placed in paper evidence bags and sealed. Both of Officer Lotts weapons were secured and tagged as evidence.

I then photographed Officer Collin Hale. Officer Hale was wearing his standard Tyler Police Department issued uniform. After I photographed Hale I collected his duty weapon and extra magazines from his duty belt. Officer Hale carried a Sig P226 Elite .40 caliber handgun on his duty belt. I photographed the Sig P226 including the make, model and serial number [REDACTED] There was one Speer .40 SW round in the chamber. I removed the chambered round and the magazine that was in the Sig P226. The magazine that was in the Sig P226 contained 15 rounds of ammunition. The magazine and the ammunition was photographed then placed in paper evidence bags and sealed. The other three magazines that Officer Hale carried on his duty belt were all photographed and were all emptied of the ammunition they contained.

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Investigator: *DOUGHTEN, J. L. (11375)*

Date / Time: *01/04/2013 00:00:00, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

The ammunition was counted and photographed. There were 15 rounds in each of the three magazines from Officer Hales duty belt. Officer Hales Sig P226 was secured and tagged as evidence. One at a time I conducted the Gun Shot Residue (GSR) test on each Officer Lotts and Officer Hales hands. I did the GSR test on Officer Lott and Officer Hales hands one at a time, changing gloves before switching from one officer to the other. I completed the GSR tests following the directions contained in the GSR kit. Each test kit was sealed and initialed. Officer Riggles, Officer Lotts and Officer Hales GSR test kits were secured and tagged as evidence. My COBAN from the scene was marked with the case number.
END OF SUPPLEMENT

-----PRESS NARRATIVE-----
Reporting Officer: ELLIOTT, NATHAN (10039)
Added By Employee: ELLIOTT, NATHAN (10039)
Supplemental Supervisor: YATES, BILLY (10067)
Added Date: 01/04/2013

Homicide was reported.

Investigator Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *COX, M. D. (10034)*

Date / Time: *01/05/2013 00:00:00, Saturday*

Supervisor: *RICE, G. H. (4210)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----Supplement Narrative-----

Reporting Officer: COX, MICHAEL (10034)
Added By Employee: COX, MICHAEL (10034)
Supplemental Supervisor: RICE, GARY (4210)
Added Date: 01/05/2013

ON 1/3/13 I PSO M. COX AND S. HAMPTON WENT TO DALLAS SOUTHWEST
FORENSIC LAB TO PICK-UP EVIDENCE PACKAGES UNDER CASE 13-3. I LOGGED
THE PACKAGES IN CENTRAL PROPERTY, NOTHING FURTHER.

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *WILLIAMS, J. C. (10171)* Date / Time: *01/07/2013 00:00:00, Monday*
Supervisor: *RACKLIFF, J. (8820)* Supervisor Review Date / Time: *NOT REVIEWED*
Contact: Reference: *Supp*

-----CSI RPT-----

Reporting Officer: WILLIAMS, JAMES (10171)
Added By Employee: WILLIAMS, JAMES (10171)
Supplemental Supervisor: RACKLIFF, JEFFERY (8820)
Added Date: 01/07/2013

13-000003

Aggravated Assault on Peace Officer/Homicide

Typed by: Inv. C. Williams

1-7-13

On 1-1-13 at approximately 0033 hours I was notified by Sgt. J. Rackliff of a Homicide that had just occurred at 603 E. Queen St and he needed me to respond to assist him. He also advised that a large group of individuals had begun to form at the scene after the shooting and he advised me to wear my body armor when responding to the scene. At approximately 0141 hours I left my residence in the crime scene van and responded to the PD to retrieve my body armor. At approximately 0207 hours I arrived at the PD and retrieved my body armor and also met with Officers J. Doughten, B. Lott and C. Hale. At approximately 0220 hours I left the PD and responded to E. Queen and arrived on scene at approximately 0225 hours.

Upon arrival I met with Sgt. Rackliff, Sgt. B. Yates, Texas Ranger B. Davis and Detective N. Elliott. I also observed that there were several other PD Officers and Detectives on scene, which had already been taped off with crime scene tape. Sgt. Rackliff and Sgt. Yates both advised that a search warrant was being obtained for the residence by Detective C. Shine and Sgt. Rackliff then walked me through the scene. I observed that the residence appeared to be a wood framed type residence with a tan colored plaster type exterior on the outside. There was a large porch on the front northwest side that also went around the west side of the residence and a room located on the northeast corner of the residence. There was a concrete wall surrounding the front yard area in front of the house and the address of 603 was on the front of the mailbox located on the northeast corner of the yard. There was a driveway located on the east side of the residence that appeared to run from the street to the backside of the

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Date / Time: *01/07/2013 00:00:00, Monday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

property. I observed that there were several vehicles parked in the driveway on the east side of the house.

We began walking up the driveway and walked to a covered porch area that was located in the middle portion of the residence on the east side. I observed that there was an entry/exit door to the residence located in this porch area and there were several chairs, a blue and white ice chest with small shot glasses on top of it and the remnants of a log fire in the porch area. As we continued to walk towards the back of the residence, I observed Officer T. Guerrero standing at the southeast corner of the residence and he advised that there was a shell casing located on the ground near the southeast corner and he pointed it out to us and I advised him to place a marker next to the shell casing. Sgt. Rackliff and I then walked around the corner to the backside of the residence and I observed that there was a small concrete sidewalk that ran east and west next to the backside of the residence and that there was an entry/exit door in the middle of the backside of the residence. Upon looking at the sidewalk, I observed several brass shell casings scattered out along the sidewalk and also in the back yard area, south of the sidewalk.

We then walked to the back door of the residence, which was open, and upon looking inside, I observed that it appeared that this room was a bedroom and I observed an Hispanic male subject laying on his left side with his head laying to the south, face facing the west, and both of his arms were in front of him, hands handcuffed and his legs were lying out straight to the west of his body. The subject was wearing a black jacket with white cuffs, black jeans and black lace up shoes. The subject appeared to be deceased. I observed that there was a large pool of blood behind the subject, close to a set of wooden doors that separated this room from a larger room on the north side. Upon looking on the floor, just inside the back door, I observed, what appeared to be a spent (fired) .223 shell casing. I also observed a smaller shell casing, possible .22 caliber, lying on the carpet beside a bed in the center of this bedroom. I also observed, what appeared to be, several live (unfired) rounds lying on the floor around the head of the Hispanic male. The rounds appeared to be possible .38/.357 caliber rounds. There was (1) lying near the front of the face of the

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Date / Time: *01/07/2013 00:00:00, Monday*

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Reference: *Supp*

subject, (1) underneath his head and (1) lying near the back side of his head. Sgt. Rackliff brief my about what information he knew so far about this incident as we looked through the back door at the residence. I then stood by until the search warrant was obtained.

At approximately 0400 hours, I was advised that the search warrant had been obtained and I began taking photos and Sgt. Rackliff began videotaping. I started taking photos of the outside of the residence from all sides and then went to the back door and entered the residence. I took overall photos of the back bedroom and of the shell casings that had been observed on the original walk through first and then began looking around the room for any other spent (fired) shell casings.

I located another .223 caliber shell casing underneath the bed on the south end of the room. Two more spent .233 shell casings were located on top of the bed. One was located in the middle of a pile of pillows that were stacked up on the head (south) end of the mattress and the other was located in the center of the bed next to a green blanket that was waded up on the bed. I took photos of all of these items. Next, I began taking photos of the deceased male that was on the floor. I took several overall photos of his body and then concentrated the photos on the live (unfired) rounds that were mentioned above. I then began taking photos of the large pool of blood that was behind the body. In the pool of blood I observed another live, possible .38/.357 round, that was located on the northwest side of the blood and a black ball cap that was sitting upside down, on the north side. I observed that on the southwest and south edge of the pool of blood was and area of, what appeared to be drops of blood, that led from the pool of blood towards the body and also underneath it. In the drops of blood I observed, what appeared to be, a swipe pattern, which appeared had been caused when the Officers had moved the subject to handcuff him. Just east of the drops of blood leading up to the body, I observed a black RG revolver with brown handle, lying on the floor, partially underneath the backside of the body. I then took photos of all of these described areas and items.

I then walked over to the east side of the bedroom and began

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taking photos on that side of the room and of a bathroom that was located on the east side of the bedroom and on the southeast corner of the residence. While on the east side of the room, I observed (2) two more live, possible .38/.357 rounds, lying on the floor behind the subjects head and back. I took photos of these two items and then moved to a room that was located on the southwest corner of the residence and west of the back bedroom.

Upon entering and photographing this room, I observed two wooden dressers located on the south wall. On top of the first dresser, closest to the doorway, I observed several unopened bottles of alcohol sitting in a group. I also observed a blue PPU brand box of .40 Smith Wesson ammunition, a black Hi-Point brand semi auto pistol and (1) black metal pistol magazine that appeared to fit the Hi-Point pistol. There was a white plastic stand with clear plastic drawers unit sitting on the right (north) side of the doorway in this room. On top of this unit I observed a black plastic pistol case, an empty box of Remington brand ammunition, (1) brass live pistol round and (1) black metal pistol magazine that appeared to fit the Hi-Point pistol. I took several photos of all of these items.

The other wooden dresser that was sitting on the south wall was west of the above dresser. I observed that the top drawer of this 7 drawer dresser was pulled open. I observed a white Winchester brand ammunition box sitting in the southwest corner of the drawer. Also in this same drawer was (2) different live pistol rounds, (1) black metal pistol magazine, (1) Nickel colored revolver cylinder and a set of brown wooden pistol grips. I took photos of all of these items.

While taking overall photos in this room, I observed that there was a blue plastic storage tub sitting on the floor against the west wall, directly across from the doorway to this room. On the top of this storage tub, I observed that there was a box of Federal brand .38 special caliber ammunition, a white plastic ammo tray from that box which had (14) live pistol rounds in the tray and (16) spent (fired) brass shell casings lying on top of the lid of the storage tub. I took several photos of these items. I then continued taking overall photos of this room.

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Next, I left the back bedroom and began walking north in the residence and entered a double set of wooden doors that separated the back bedroom from, what appeared to be, a large living room. Upon entering the living room, I observed that there was a brown wooden chair sitting on the floor, just north of the set of doors. I observed that the chair appeared to have been struck by a bullet on the back two legs. The chair was sitting facing the west wall in this room and the back side was facing the living room. I observed that the wood legs on both back legs had damage and splintering on them. I took several photos of the damage on the chair. I observed that there was a small piece of paper, possible paper towel, lying on the floor on the south side of the chair and it appeared to have possible blood on it. I then took a photo of it. I observed that on the tile floor in the living room, north of the chair, there were a couple of areas that appeared to have possible blood on them. I took photos of these areas and then walked to the north side of the room to a set of tile stairs that led into the dining room. I observed that on a tile that was facing south, on the lower portion of the steps, appeared to have been possible struck, several times, by bullet fragments. I then took several photos of the damage on the tile. I then took overall photos of this living room and then entered the dining room and began taking overall photos of it and the kitchen that was located west of the dining room. On the dining room table I observed several Bud Light beer cans, empty Corona beer bottles and a bottle of Strawberry Daiquiri/Margarita mix. I took several photos of the dining room and kitchen and then walked into a bedroom that was located north of the kitchen.

Upon entering this room I observed that all the walls were painted dark red and all the trim and ceiling were painted black. The back sides of both doors in this room were painted red with black in the inserts in the doors. I observed several pair of shoes that were sitting on the floor that were either red with black trim or black with red trim. I also observed clothing items in the closet that were red and black in color and several ball caps, sitting on top of a red bandana, on the top of a wooden dresser that were red/black/white in color. There was also a backpack on the north side of the bed that was

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red and black in color. I observed a drawing on the mirror on the dresser that depicted, what appeared to be, gangsters, skulls, demons, smoking and women. I took several photos of all of the above described items and areas and the remaining areas of the room. I then walked out of a north door in this room which led to a small hallway that ran east and west.

On the northwest end of this hallway was another room that was on the northwest corner of the residence. Upon entering this room I observed that this appeared to be a smaller living room that had furniture, TV and large dresser on the west wall. I observed small children sized chairs in front of the TV. I took several photos of this room and then walked out of the front door of the residence to the front porch. I then took several overall photos of the front porch and then came back inside and went back to the small hallway and walked east. On the southeast corner of this hallway was another bedroom that was also painted red with black trim. Upon entering this bedroom, I observed that it appeared to belong to younger children. I took several photos of this bedroom and then walked back to the small hallway on the north side and observed that a shorter hallway ran north to another bedroom.

Upon entering this bedroom, I observed that it was a larger bedroom than all of the others and it was painted with yellow walls and white trim. There was a bathroom located on the south side of this room and another room on the north side. I took several overall photos of this bedroom and bathroom and then walked to the other room on the north side, which appeared to have been made into a large walk-in closet. As I entered the closet, I observed that there was a hanging closet unit on the south wall and on this hanging rack, I observed several red and black ball caps, a red bandana and several red or black shirts and tan pants hanging on hangers. I also observed another red bandana spread out on a shelf on the top of the lower hanging unit, along with other red and red/black ball caps. There was another closet area located on the east side of this larger closet area and it appeared to have young boys clothes hanging inside. There appeared to be a small closet unit hanging on the west side of the larger closet and I observed that it appeared to have young girls clothing and

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Reference: *Supp*

items on it. I observed several other baby and small childrens items located on the north side of this large closet. On top of these items I observed a Chicago Bulls, red/black, ball cap and a red/black/white jersey sitting beside it. I took several photos of the large closet area and the other closet areas in this room and of all of the belongings in this area. I then left this room and walked back towards the rear of the residence.

Once I was back in the large living room in the middle part of the residence, I observed a room that was located on the west side and the doorway was covered with a green multi patterned sheet. I began taking photos of this room and observed that it appeared to be the utility room and a large storage room combined. I took several photos of this room and then walked back to the back bedroom. Once back at the back bedroom, I observed that number evidence markers (EM) had been placed at the evidence items that had been located earlier.

At approximately 0530 hours I begin taking secondary photos of the back bedroom. All of the evidence items, shell casings, live rounds and black revolver had been marked with evidence markers and I begin taking photos of these items with the evidence markers in place.

EM1 marked a spent .223 caliber shell casing (on floor inside back door) EM2 marked a spent .22 caliber shell casing (on carpet on east side of bed) EM3 marked a spent .223 caliber shell casing (on bed under side of blanket) EM4 marked a spent .223 caliber shell casing (on bed, in middle of pillows) EM5 marked a spent .223 caliber shell casing (underneath bed, southeast side) EM6 marked a live .38 caliber round (on floor in front of subjects face) EM7 marked a live .38 caliber round (on floor, backside of head, near top) EM8 marked a live .38 caliber round (on floor, backside of head, near neck) EM9 marked a live .38 caliber round (on floor, behind subject, near chair leg) EM10 marked the black RG 6- shot revolver (on floor behind subject near rear end) EM11 marked a live .38 caliber round (on floor in large pool of blood) EM12 marked the damage on the chair in living room (back left leg) EM13 marked the damage on the chair in living room (back right leg) EM14 marked damage on tile floor in living room EM15 marked a red colored stain on tile floor in living room (north

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

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Tyler Police Department

OCA: **13000003**

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*

Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *WILLIAMS, J. C. (10171)*

Date / Time: *01/07/2013 00:00:00, Monday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

of EM14) EM16 marked a red colored stain on tile floor in living room EM17 marked damage on tile floor in living room EM18 marked bullet possible fragment on tile floor (at bottom of steps on N side) EM19 marked damage on tile on bottom set of steps (in living room N side) EM20 marked damage on tile on bottom set of steps (in living room NE side of steps) EM21 marked a live .38 caliber round (on floor, underneath subjects head, south side) EM22 marked a spent .223 caliber shell casing (underneath bed, middle top side) EM23 marked a spent .22 caliber shell casing (in NW corner of back bedroom)

After secondary photos were taken, Sgt. Rackliff and I began to complete a diagram of the back bedroom and collect measurements of the evidence markers in that room. We also collected measurements of the body. After that was completed, Pct. 2 Justice of the Peace Judge Alfred arrived for the inquest and later called Lighthouse Mortuary Services. After Lighthouse had arrived, Sgt. Rackliff and I began to remove the subjects clothing and also placed paper sacks over his hands and taped them closed. We also took photos of the injuries on the subjects body. The subject appeared to have an entry wound on the right side of his right nipple and an injury on the right side of his lower abdomen. We took photos of these areas, with and without, using a measuring device. Upon rolling the body over, we observed another injury on the backside of his neck. Photos were taken of it, with and without, using a measuring device. After this was completed, Lighthouse Mortuary took possession of the body. After the body had been removed, Sgt. Rackliff began a more thorough search of the back bedroom. As he was searching around the bed, he moved the curtains away from the headboard of the bed and I observed a spent .223 shell casing lying on the floor. The casing was underneath the bed in the middle portion near the wall on the top side of the bed. I then took photos of the casing in its current position and then placed EM22 next to it and photographed it again. Sgt. Rackliff then began collecting all of the evidence that had been marked in the back bedroom and during that time, he located another spent shell casing in the NW corner of the bedroom and placed EM23 next to it. I went to the room that was on the southwest corner of the residence, west of the back bedroom and collected all of the items that had been described earlier in this report that Detectives wanted collected for

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Investigator: *WILLIAMS, J. C. (10171)* **Date / Time:** *01/07/2013 00:00:00, Monday*
Supervisor: *RACKLIFF, J. (8820)* **Supervisor Review Date / Time:** *NOT REVIEWED*
Contact: **Reference:** *Supp*

this case.

After all of these items had been collected, Sgt. Rackliff and Texas Ranger Davis began attempting to re-create the shooting trajectory by using the damage on the wooden chair in the living room. I took several photos of that room showing the laser trajectory facing south. After this was completed, Sgt. Rackliff had contacted (2) Tyler PD Accident Investigators (A.I.) to come to the scene and assist us with processing the backyard area with the numerous spent shell casings. As this was being completed, Det. Shine arrived back at scene and wanted me to take photos of the search warrants that had been obtained for the residence and vehicle that was parked in front of the residence. The search warrant for the residence was given number CK-010113-B and the one of the truck parked in front of the residence was given number CK-010113- A. We then walked through the residence again on a final walk through.

While Sgt. Rackliff, Det. J. Holt and Officer R. Gummer were processing and collecting evidence in the backyard area, using the Sokkia Total station, I began using a metal rake and began raking through several piles of leaves checking for other shell casings. During a rake of leaves on the upper area of the backyard, I located a projectile in some of the leaves. It was photographed and then collected by Sgt. Rackliff. I then went back inside the living room and collected the pieces of tile from the steps that had been removed earlier by Sgt. Rackliff. I also collected swabs from the (2) two red stains (EMs 15 16) that were on the living room floor.

After all evidence had been collected from inside and outside of the residence and the scene had been completely processed, we gathered all of our equipment and cleared the scene at approximately 1128 hours and responded back to the PD. Once at the PD, all of the evidence items were placed in the secured cabinets in the Crime Scene Unit. I then transferred all of the photos that had been taken into the PD Archive folder under this case number.

On 1-7-13, Sgt. Rackliff advised that the needed me to package all of the recovered spent shell casings in heat sealed bags. I then

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Investigator: *WILLIAMS, J. C. (10171)*

Date / Time: *01/07/2013 00:00:00, Monday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

obtained all of the recovered spent shell casings from CSI. D. Malmstrom who had made a detailed record of each casing and packaged them in the heat sealed bags and completed packaging them in evidence sacks.

On 1-8-13 I assisted Sgt. Rackliff with logging the remaining evidence items onto PD property forms and packaging them in evidence sacks. After this had been completed, all of the evidence items were then submitted to PD central property.

On 1-11-13 Sgt. Rackliff advised that he needed me to log several items of evidence onto DPS Lab Submission forms. These items included Property items 1, 35, 36, 37, 38, 39, 42, 48, 49, 50, 51, 52, 65, 66, 69, 70, 71, 82, 84, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 103, 104 and 110. On 1-14-13 I transported all of the above listed property items to the Tyler DPS lab and submitted them for testing.

On 2-20-13 I went to the Garland DPS Crime Lab to pick up several items that had been submitted for DNA testing in reference to this case. The items are listed as TPD Property Items 43, 44, 54, 56, 58, 60, 75, 76, 77 and 112. After I had received the above listed items from the Garland DPS Crime Lab personnel, I then transported all of the items to the Orchid Cellmark testing lab located at 13988 Diplomat Drive in Farmers Branch, Texas and released them to Ryan, an Orchid Cellmark Technician.

This concludes my involvement with this case at this time.

-----CSI RPT-----
Reporting Officer: MALMSTROM, DONALD (9769)
Added By Employee: MALMSTROM, DONALD (9769)
Supplemental Supervisor: Not Recorded.
Added Date: 01/07/2013

13-00003

Homicide

01-07-2013

Written by: D MALMSTROM

Investigator Signature

Supervisor Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *MALMSTROM, D. L. (9769)*

Date / Time: *01/07/2013 00:00:00, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

On 01-03-2013 I was asked by SGT RACKLIFF to retrieve the suspects clothing a FEUNTES VICTOR from the drying shed. He asked that I process these items by photographing them and documenting any bullet holes.

I retrieved the items that had been stored in the drying shed for drying. These items were a

Black baseball cap with blood on it had white LK and white pharaoh
Black jacket with white around the cuffs, collar and bottom of jacket
Black t-shirt with a decal on the back Black t-shirt with white decal
on

After I removed these items from the cabinet I placed them into evidence packaging. I then brought them to the crime scene unit to be processed by me. I begin with the baseball cap. I laid it out on a piece of clean white paper. I then photographed the cap from several different angles. After photographing the cap I then examined it. I observed that there was blood on it but no other observations were observed. The cap was then placed into the evidence packaging and sealed.

I then removed the black jacket from the packaging that I had placed it in. I laid the jacket onto a piece of clean white paper and began photographing it. I photographed the front first, after photographing I then examined the front portion of the jacket. I observed what appeared to be blood on the jacket. In examining the jacket I found what appeared to be a bullet hole in the collar area of the jacket. I photographed this with and without a measuring device. I also observed what appeared to be a bullet hole on the right side of the upper portion of the jacket running parallel with the second snap from the top. I photographed this with and without a measuring device. I also found what appeared to be bullet holes in the area on the jacket at the right pocket. These appeared to be several in this area. I photographed this area with and without a measuring device. I open the jacket and examined the inside of this area and observed that there was only one hole in the pocket area. And the other hole was in

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the upper portion mentioned. I photographed these observations with and without a measuring device. I observed another hole in the inside of the jacket between the third and fourth snap from the bottom. The edges of the hole appeared to be burned making it smooth. I examined the left side of jacket by exterior and interior and nothing of interest was observed. I then placed the jacket so I could examine the back of it. I photographed the back of the jacket. I observed that there was blood on the back. I photographed the bullet hole in the collar again from the back side, with and without a measuring device. I examined the back of the jacket and nothing of interest was observed. The jacket was then placed back into the evidence packaging and sealed.

I then began processing the black t-shirt with the decal on the back. I laid the shirt out and photographed the front of it. After I photographed it I then examined the surfaces on the front. I observed what appeared to be two bullet holes. The first was on the lower right side of the shirt. I photographed it with and without a measuring device. The second was on the right side but was in the upper portion of the shirt. It was photographed with and without a measuring device. I then flip the shirt over and photographed the back of it. I observed that there was blood on the back of the shirt. No other items of interest were observed. I then packaged the shirt and sealed it.

I then removed the black shirt with the white decal on the front from its packaging. I laid it out and photographed it. After photographing it I then examined the front of the shirt. Upon examining the front of the shirt I located what appeared to be bullet holes in the shirt. These were photographed with and without a measuring device. I observed what appeared to be three holes on the right lower side of the shirt. Another was on the right side but in the upper portion. On the back of the collar at the very I observed some damage. The shirt was then flipped over and the back was photographed. I examined it and observed that there was blood on it. No other observations of interest were found. I then placed the shirt into its packaging and sealed it.

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Investigator: *MALMSTROM, D. L. (9769)*

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The suspects pants were stored in the crime scene unit. I retrieved them from a locked cabinet. I removed them from their packaging. I observed that the blue jeans had a black belt with them. I also observed a brown leather wallet and lighter in the bag as well. I laid out the pants and began photographing them. Nothing was observed on the front of the pants. I then flipped them over and photographed all sides of the pants. On the back left side I observed blood near the back pocket. I photographed this. No other observations were observed and the pants were placed back into their packaging and sealed. The wallet was examined and I found 223 in it. The money was removed from the wallet and placed into a currency bag. The wallet also contained a Texas DL [REDACTED] Texas ID, U.S passport card, miscellaneous credit cards and papers. I placed the wallet and contents into packaging as well as the lighter and sealed the packaging.

All of these items were then given to TPD property personnel and tagged in as evidence. All images taken were transferred to digital media. No further action was taken by me at this time.

On 01-04-2013 I was asked by SGT RACKLIFF to take the recovered spent casing found at the scene and verify the head stamp on all 125 spent casings. He advised that they had marked each casing with a number from 1 to 125. I retrieved these items which had been secured in the crime scene unit. I then began sorting through the casings. I examined each of the head stamps and below list my observations.

1-5 Federal 38spl
6-7 R-P 38spl
8 Federal 38spl
9-10 R-P 38spl
11-12 Federal 38spl
13-14 R-P 38spl
15-16 Federal 38spl
17 R-P 38spl
18 Federal 38spl
19 R-P 38spl
20 Federal 38spl

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Investigator: *MALMSTROM, D. L. (9769)*

Date / Time: *01/07/2013 00:00:00, Monday*

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Supervisor Review Date / Time: *NOT REVIEWED*

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21 R-P 38spl
22-24 Federal 38spl
25-28 WIN 40SW
29-30 R-P 40SW 3
1 WIN 40SW
32 R-P 40SW
33 Federal 38spl
34 R-P 38spl
35 Federal .22
36 CCI .22
37 PPU 40SW
38 R-P 40SW
39-40 PPU 40SW
41-42 R-P 40SW
43-45 PPU 40SW
46 R-P 40SW
47-56 PPU 40SW
57 R-P 40SW
58 PPU 40SW
59 WIN 40SW
60-62 R-P 40SW
63 PPU 40SW
64 R-P 40SW
65 PPU 40SW
66-68 R-P 40SW
69 PPU 40SW
70 R-P 40SW
71 PPU 40SW
72 CCI .22
73 R-P 40SW
74 CCI .22
75 R-P 40SW
76-77 WIN 40SW
78-80 R-P 40SW
81 WIN 40SW
82 R-P 40SW
83-87 WIN 40SW
88-89 R-P 40SW

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Investigator: *MALMSTROM, D. L. (9769)*

Date / Time: *01/07/2013 00:00:00, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

90-91 WIN 40SW
92-96 R-P 40SW
97 FEDERAL 38SPL
98-101 R-P 40SW
102-103 FEDERAL 38SPL
104 R-P 38SPL
105-107 R-P 40SW
108-109 CCI .22
110-111 FEDERAL 38SPL
112 WIN 40SW
113 R-P 40 SW
114 PPU 40SW LIVE ROUND
115 PPU 40SW
116-117 R-P 40SW LIVE ROUND
118 CCI .22
119-126 FEDERAL 38SPL
127 FRAGMENT

All of these items were separated and packaged individually. The package was sealed and all items were tagged into property as evidence. No further action was taken by me at this time.

-----Supplement Narrative-----

Reporting Officer: DOUGHTEN, JESSICA (11375)
Added By Employee: DOUGHTEN, JESSICA (11375)
Supplemental Supervisor: Not Recorded.
Added Date: 01/07/2013

This is my second Supplemental Report for this incident. On the first supplemental report I was not clear when I wrote of Officer Riggles rifle.

I collected Officer Riggles rifle from the conference room at the Tyler Police Department. In the confrence room was Officer Riggles, his attorney and Sgt Jason Burton. As stated previously in my other supplemental report I photographed Officer Riggles in his uniform, conducted a GSR test on Officer Riggles hands and collected his weapons and their magazines.
Officer Riggles rifle was on safe and unloaded. The round that had

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Investigator: *DOUGHTEN, J. L. (11375)*

Date / Time: *01/07/2013 00:00:00, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

been chambered in the rifle had been placed in the rifles magazine. I was informed that the top round in the magazine had been the chambered round. I took the rifle down stairs to Tech Services and photographed the rifle and the magazine just as it had been handed to me. After photographing the rifle and the loaded magazine just as it had been handed to me, I unloaded the magazine. I then photographed the empty magazine and the rounds that had been loaded into it. There were 27 rounds of ammo in the magazine, the top round was the round that had been previously chambered. I placed that top round on the outside right end of the stacked ammo for my photographs. The right end is the end on the right as you look at the photographs. I bagged the previously chambered round in a paper evidence bag and sealed it. I then bagged the other 26 rounds from the magazine in a paper evidence bag and sealed those as well.

The memory card from my Tyler Police Department issued digital camera was placed in the secure Tyler Police Department Tech Service locker for processing as soon as I was done with all my photographs.

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SHINE, C. W. (9244)*

Date / Time: *01/14/2013 00:00:00, Monday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----SUPPLEMENT2/CSHINE-----
Reporting Officer: SHINE, CRAIG (9244)
Added By Employee: SHINE, CRAIG (9244)
Supplemental Supervisor: YATES, BILLY (10067)
Added Date: 01/14/2013

On 01/07/2013, I obtained Grand Subpoenas requesting a complete copy of video and audio recorded interviews with witnesses in reference to Aggravated Assault Against a Peace Officer incident that occurred at 603 E. Queen in Tyler, Texas on January 1, 2013, and were aired subsequent to this incident for KYTX CBS 19 Tyler, KETK NBC 56 Tyler, and KLTV. On that same date, I served said subpoenas to Nicole Underwood of NBC, Dan Delgado of CBS and Michael Thompson of KLTV.

On 01/07/2013 I also obtained a Grand Jury Subpoena for Tyler Independent School District requesting a complete copy of all school records for Victor Fuentes, a W(H)/M, date of birth [REDACTED] including but not limited to personal information, parent guardian information, residency, grades, attendance, discipline and behavior evaluations. On that same date I served said subpoena to Rosa Baker of TISD. Baker provided me with what records TISD still retained on Victor Fuentes. The records indicated the same date of birth for Victor and that Juan Fuentes is on record with the school as his father. The records indicate that Victor Fuentes Social Security number is [REDACTED]. The address of 603 E. Queen was also listed as his home address. The records further show that Victor Fuentes withdrew from TISD on 09/15/2006 and the reason code was 60. Baker explained that code 60 indicated that Victor Fuentes was withdrawn to be home schooled. The records show that when Victor Fuentes withdrew from TISD, he was enrolled at John Tyler HS and that it was a non-graduate record.

On 01/08/2013, I was provided 5 disks by Steve Jackson, News Assignment Manager at CBS 19. These disks contained numerous videos, a lot of them unedited, from their coverage of this incident. Initially, I had difficulty viewing the videos, but was later able to watch them using the VLC Media Player. I noted that there were also the aired videos that CBS 19 showed on the news in reference to this incident.

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Investigator: *SHINE, C. W. (9244)*

Date / Time: *01/14/2013 00:00:00, Monday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

On the news videos, I observed a video interview with James Baggett that was aired. During that interview, Baggett described the sounds he heard were like fireworks or maybe semi-automatic weapon. He advised that he did not step outside to look because he has heard them shooting around there before.

In one of the videos, Erica Fuentes was standing at the back door where this shooting occurred and she was pointing to the doorway and stated this is where he was running, you know, for his life. Erica was pointing in a direction from the door to the middle of the room. At that point, Juan Fuentes interrupted Erica Fuentes in Spanish and told the news reporter in English that Erica could say nothing because she did not know. The video then cuts to Juan Fuentes standing by the door. Juan stated that the last thing he remembers is his son coming in and telling him that it is time to give him a hug. Juan Fuentes advised that he did not have time to hug his son and that his son was going to give his mother a hug, but someone pushed or kicked the door open. Whoever came in the door shot his son. Juan advised that he was standing there behind the door when the door opened. Juan advised that the police officer came inside and said something, but claimed the officer never said police. Juan claimed that his son was doing nothing wrong, but was going to give his mother a hug. The news reporter, Melissa Daigle, then started discussing with Juan Fuentes where his son was standing when he was shot and Juan pointed to the area of the room where I had seen Victor Fuentes laying on the floor. Juan Fuentes discussed with Daigle that after the shooting, he was made to leave the room by the Officers and that his son was not given medical attention. Juan also denied that Victor Fuentes had any involvement in a gang or had any criminal record. Juan Fuentes advised that his son has three children and two jobs and described his son as a good kid. Daigle asked Juan if the children heard during the videos were there during the shooting and he said no, that they were with their mother at another house. Refer to the videos for details.

Daigle took several videos throughout the residence and Erica Fuentes discussed aspects with her on video. In a video of the living room near the back of the house, the camera zoomed in to the steps where a

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *SHINE, C. W. (9244)*

Date / Time: *01/14/2013 00:00:00, Monday*

Supervisor: *YATES, B. W. (10067)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

round from Officer Riggles weapon struck a tile on the steps. Erica stated that her mother was standing in that room with one of her nieces. During one of the videos, a female subject voiced that the only thing she wanted to say was that the Tyler Police Department should pay for her brothers funeral. She stated them hoes killed my brother. Refer to the videos for complete details. I provided all the disks to Det. Elliott. I also placed a copy of all the digital information on Det. Elliotts Z drive under this case number as evidence. .

NBC 56 called and advised the subpoenaed information was ready. Det. Elliott responded and picked that up. We have received notice in writing from KLTV that they object to the subpoena. I am not certain when or if the information will be obtained.

Nothing further this investigator at this time.

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *COX, M. D. (10034)*

Date / Time: *01/15/2013 00:00:00, Tuesday*

Supervisor: *RICE, G. H. (4210)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----Supplement Narrative-----

Reporting Officer: COX, MICHAEL (10034)
Added By Employee: COX, MICHAEL (10034)
Supplemental Supervisor: RICE, GARY (4210)
Added Date: 01/15/2013

ON 1/11/13 AT APPROXIMATELY 0810 HOURS, I RECEIVED THE FOLLOWING ITEMS FROM SGT. J. RACKLIFF TO BE TAKEN TO THE GARLAND, TX DPS LAB (1) SWAB OF CYL/RELEASE FR 42, (1) SWAB OF TRIGGER FROM 42, (1) SWAB OF 53, (1) SWAB OF 55, (1) SWAB OF 57, (1) SWAB OF 59, (3) SMALL PKG PROJECTILE, (1) BLOOD STANDARD WHITE PKG

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

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Tyler Police Department

OCA: **13000003**

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*

Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *LONG, K. C. (10620)*

Date / Time: *02/16/2013 00:00:00, Saturday*

Supervisor: *RICE, G. H. (4210)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----Supplement Narrative-----

Reporting Officer: LONG, KERRI (10620)
Added By Employee: LONG, KERRI (10620)
Supplemental Supervisor: RICE, GARY (4210)
Added Date: 02/16/2013

On February 14, 2013 around 0930 hours, I was contacted by Detective Elliott by telephone. He stated he needed me to pick up a finger print card of Victor Fuentes from the Medical Examiner in Dallas. I arrived at the ME and picked the card up. I arrived back at the Police Department and put the finger print card on Detective Elliotts desk. No further information is available at this time.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Tyler Police Department

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*
Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----CSI SUPPLEMENT-----

Reporting Officer: *RACKLIFF, JEFFERY (8820)*
Added By Employee: *RACKLIFF, JEFFERY (8820)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *02/26/2013*

Homicide 13 - 003 2/6/2013 J. Rackliff

On 1/1/2013 at approximately 030 hours, I was contacted by Tyler PD dispatch who advised that the crime scene unit was needed at 603 E. Queen. I was told that a subject had suffered multiple gunshot wounds and had died. I learned while in route to the scene that this was an officer involved shooting. Tyler PD officer Matt Riggle, Brandon Lott, and Colin Hale were involved in the incident.

Officer Riggle had already been escorted to the Police Department. Officers Lott and Hale were still on scene.

I met Sgt. Yates at 600 E. Queen in front of the residence in question. Yates advised there were several agitated family members walking in the street and surrounding areas. Yates advised that wearing body armor was advisable in this situation. I called and notified crime scene investigator Craig Williams to wear his body armor to the scene.

603 E. Queen was located on the South side of the road facing North. There was a partially demolished retaining wall running around the North perimeter of the residence (see photo 0002.) Several vehicles were parked on the East side of the residence. These included: a green Chevrolet truck bearing Texas license plate [REDACTED] a white Chevrolet trailblazer bearing Texas license plate [REDACTED] a maroon Mercury Marquis bearing Texas license plate [REDACTED] a white four-door car bearing Texas license plate [REDACTED] and a Chevy Avalanche bearing Texas license plate [REDACTED]

There was a short covered porch near the Southeast corner of the residence that had what appeared to be a small fire going at one time. Several drink glasses were present along with chairs (see photograph

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

0036.) Another ash pile was also present in this area (see photographs 0040 and 41.)

Moving to the rear of the residence, the South side, I noted trampoline near the Southeast corner and a small fenced in open walled shed. There was a piece of plywood painted white and him black paint was the word nortenos, which is a violent criminal street gang (photograph 0046- 47.) The word nortenos was also painted on a support pole of the shed (see photograph 0052.)

There was a low retaining wall to the immediate south of the residence at the rear entrance (see photo 48.) Several other items were present in the backyard including some fencing, construction materials, and some vegetation (photo 0019, 0062.) I could see literally dozens of casings littering the ground in this area in .38 Special, .22 and .40 SW calibers (photos 0019-0022.)

The breakdown of these items is:

1. Federal .38 26. Win 40 SW 51. PPU 40 SW
2. Federal .38 27. Win 40 SW 52. PPU 40 SW
3. Federal .38 28. Win 40 SW 53. PPU 40 SW
4. Federal .38 29. R-P 40 SW 54. PPU 40 SW
5. Federal .38 30. R-P 40 SW 55. PPU 40 SW
6. R-P .38 31. Win 40 SW 56. PPU 40 SW
7. R-P .38 32. R-P 40 SW 57. R-P 40 SW
8. Federal .38 33. Federal .38 58. PPU 40 SW
9. R-P .38 34. R-P .38 59. WIN 40 SW
10. R-P .38 35. Federal .22 60. R-P 40 SW

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

- . 11. Federal .38 36. CC1 .22 61. R-P 40 SW
- . 12. Federal .38 37. PPU 40 SW 62. R-P 40 SW
- . 13. R-P .38 38. R-P 40 SW 63. PPU 40 SW
- . 14. R-P .38 39. PPU 40 SW 64. R-P 40 SW
- . 15. Federal .38 40. PPU 40 SW 65. PPU 40 SW
- . 16. Federal .38 41. R-P 40 SW 66. R-P 40 SW
- . 17. R-P .38 42. R-P 40 SW 67. R-P 40 SW
- . 18. Federal .38 43. PPU 40 SW 68. R-P 40 SW
- . 19. R-P .38 44. PPU 40 SW 69. PPU 40 SW
- . 20. Federal .38 45. PPU 40 SW 70. R-P 40 SW
- . 21. R-P .38 46. R-P 40 SW 71. PPU 40 SW
- . 22. Federal .38 47. PPU 40 SW 72. CC1 .22
- . 23. Federal .38 48. PPU 40 SW 73. R-P 40 SW
- . 24. Federal .38 49. PPU 40 SW 74. CC1 .22
- . 25. Win 40 SW 50. PPU 40 SW 75. R-P 40 SW
- . 76. WIN 40 SW 101. R-P 40 SW 126. Federal .38
- . 77. WIN 40 SW 102. Federal .38 127. FRAGMENT
- . 78. R-P 40 SW 103. Federal .38
- . 79. R-P 40 SW 104. R-P .38 80. R-P 40 SW 105. R-P 40 SW

Investigator Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

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Reference: *Supp*

-
- . 81. WIN 40 SW 106. R-P 40 SW
 - . 82. R-P 40 SW 107. R-P 40 SW
 - . 83. WIN 40 SW 108. CCI .22
 - . 84. WIN 40 SW 109. CCI .22
 - . 85. WIN 40 SW 110. Federal .38
 - . 86. WIN 40 SW 111. Federal .38
 - . 87. WIN 40 SW 112. WIN 40 SW
 - . 88. R-P 40 SW 113. R-P 40 SW
 - . 89. R-P 40 SW 114. PPU 40 SW
 - . 90. WIN 40 SW 115. PPU 40 SW
 - . 91. WIN 40 SW 116. R-P 40 SW L
 - . 92. R-P 40 SW 117. R-P 40 SW L
 - . 93. R-P 40 SW 118. CCI .22
 - . 94. R-P 40 SW 119. Federal .38
 - . 95. R-P 40 SW 120. Federal .38
 - . 96. R-P 40 SW 121. Federal .38
 - . 97. Federal .38 122. Federal .38
 - . 98. R-P 40 SW 123. Federal .38
 - . 99. R-P 40 SW 124. Federal .38

Investigator Signature

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Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

100. R-P 40 SW 125. Federal .38

Counted by caliber, the casings and live rounds are: 40 - .38s, 79 - .40 SW, and 7 - .22.

When there was sufficient light at dawn, the accident investigators were called to the scene to electronically diagram the backyard and where the casings lay. In all, 126 individual casings, live rounds and one bullet fragment were recovered from the backyard area including the West side of the house.

Officers Lott and Hale were sent back to the office where the rounds in the magazines of their side-arms and rifles could be counted for administrative purposes. This included officer Riggles pistol and rifle. Intermediate Crime Scene Investigator Jessica Doughten was assigned the task to photograph weapons and count ammunition in magazines.

There was a paved driveway between 603 and the residence to the east - 601 E. Queen. This driveway ran north to south. A partial chain-link fence separated these two houses which stopped as you moved to the South (see photos 0016 through 0018.) The backyard area was dark.

The house appeared to been added on to at least twice. The southernmost bedroom where the body the suspect lay was connected to a living room area to the north. We were advised that evidentiary search warrant CK- 010113-B had been signed for the search of the residence.

The southernmost bedroom is cluttered with clothing items. The double doors that led to the living room were located in the North wall at the West corner. The body of the suspect lay immediately to the South of these double doors (see photograph 0069.) A small bathroom was located on the east side of the bedroom (photo 0120) and a closet was arranged on the West side of the bed room.

Several items of firearms paraphernalia and ammunition were located in the side closet. See Inv. Williams report for their location and

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Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

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Reference: *Supp*

specifics.

Immediately inside the bedroom from the south door I could see what appeared to be a 223 casing lying on the floor across from the westernmost closet doorway (see photo 0071.) I was advised that there may be other 223 caliber casings lying on top and underneath the bed. The bed was situated on a floral patterned carpet. I could see what appeared to be a .22 caliber casing laying there (item 49, EM 2, photo 0078, 0329.) Two .223 caliber shell casings were located on top of the bed or among the bedding, and another immediately under the bed. I located another .223 casing on the floor at the head of the bed. The head of the bed was against the south wall. The fifth casing was nearly against the south wall under the bed (EM 1 Item 48, EM 3 Item 50, EM 4 Item 51, EM 5 Item 52 and EM 22 Item 65.) These casings had similar headstamps - FC.

The body the suspect lay on its left side, hands cuffed in front. I could see live ammunition scattered around the head of the body. There was a puddle of what appeared to be blood on the floor immediately in front of the East side door. A sample of this blood was taken (item 47.) On the North side of this puddle lay a black ball cap (item 35.) Immediately south of the ball cap and the majority of the blood spatter I could see what appeared to be a wooden handle revolver laying near the suspects buttocks. This weapon was later revealed to be an RG 6 shot 38 caliber revolver with wood tone plastic grips, bearing serial number [REDACTED] (Item 42, EM 10.) When the cylinder was opened, this weapon was found to be empty of cases or unfired cartridges (see photograph 0371.)

Once the body had been pronounced dead by Justice of the Peace Gary Alfred, I photographed the body in-situ. The hands were secured with brown paper bags. With investigator Williams assistance I removed the clothing from the deceased including:

item 36 - a black jacket item 37 - black T-shirt with decal on back
item 38 - a black T-shirt with a white decal on the front item 39 -
bluejeans with a black belt

Investigator Signature

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Offense: **HOMICIDE - JUSTIFIABLE**

Investigator: **RACKLIFF, J. (8820)**

Date / Time: **02/26/2013 00:00:00, Tuesday**

Supervisor: **(0)**

Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Supp**

The black ball cap (item 35) located behind the body was taken.

A Brown wallet (item 40) with a Texas drivers license, a US passport card, and other miscellaneous personal papers were recovered from the pants. Inside the wallet was 223 (item 41.)

A pink digital camera (item 105) was located on the body of the suspect. I located two photographs (photos from suspect camera, DCIM, [REDACTED], that depicted a Hispanic male wearing a white T-shirt and blue jeans shorts displaying two handguns [REDACTED] and [REDACTED]. One of the weapons being displayed appears to be the weapon located by the suspects body. The individual displaying the firearms has been identified to me as the suspects father.

Prior to the weapon being opened or packaged, I used cotton swabs moistened with distilled water to take swab samples of the following items:

item 43-swab of the cylinder release item 44-swab of the trigger
item 45-swab of the hammer item 46-swab of the grips

Six complete .38 caliber cartridges were located around the body. These were:

item 53-Federal 38 special cartridge, EM 6, on the floor in front of subject face, photo 0339 item 55-Federal 38 special cartridge, EM 7, on floor backside of head near the top, photo 0340.

item 57-R-P 38 special cartridge, EM 8, strike marks on the primer, on floor, backside of head near neck, photo 0341.

item 59-Federal 38 special cartridge, lead, EM 9, on floor behind subject near chair leg, Photo 0342.

item 61-Federal lead noted he eight special cartridge, EM 11, on floor in large pool of blood, photo 0344.

item 63-R-P 38 special cartridge, EM 21 on floor underneath subjects

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Offense: **HOMICIDE - JUSTIFIABLE**

Investigator: **RACKLIFF, J. (8820)**

Date / Time: **02/26/2013 00:00:00, Tuesday**

Supervisor: **(0)**

Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Supp**

head on the South side, photo 0357.

Swab samples of these bullets were later taken using a cotton swab moistened with distilled water (items 54, 56, 58, 60, 62 and 64.)

A .22 caliber CCI casing was located near the northwest corner of the room (Item 66, EM 23, photo 392.)

We located damage to a chair (photo 0179) that appeared to have been caused by the passage of a projectile. This damage appeared to be in line with other damage to the ceramic floor tiles (photo 0189, 0348 through 0350) and ending at the stairs into the kitchen area (see photographs 0194, 0195, 0196, 0197.) This damage was marked by evidence markers 12 and 13 (see photograph 0407.) Two trajectory rods replaced the damage which indicated a general location back into the room where the body lay. What appeared to be a bullet fragment was recovered by this step (Photo 0352-0354, EMs 18-19, Item 69.)

There was what appeared to be blood spatter on the floor in the living room area (photos 0349 and 50.) Swab samples of this suspected blood was taken (items 67 and 68.)

A laser was used to trace a probable trajectory which shown directly toward the southern door (see photographs 0408 through 0413) if the chair was in that position at the moment of impact.

An attempt to recover the ceramic tile intact on the lower step was not successful (photos 0433-0435, item 87.)

Officer Doughton had packaged and labeled all of the weapons, magazines and ammunition from the three officers. I numbered and placed these items in central property, (items 1-34.)

At the office, I took swab samples of the recovered Hi Point .40 caliber pistol (item 70). They were from the trigger, grips and slide serrations of the weapon (items 75,76, and 77.)

I processed the magazine (item 71) for latent prints. None were

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

located. Test prints were positive.

I tagged several items taken from the house including a black plastic gun case (item 72) from the south west closet, which had 32 .40 SW FMJ, 4 .40 SW hollowpoint cartridges, 1 Federal .22 cartridge and 1 R-P .38 special cartridge inside (items 73, 74, 78 and 80.)

I processed an empty box of Remington .38 special ammo (item 79) and a box of Federal .38 special ammo (Item 81) for latent prints. I made two lifts from 81. I compared the recovered latent prints to those of the suspect Victor Fuentes taken at autopsy. I could not make a hit on the recovered latent prints based on the prints supplied for Fuentes.

Also placed into property were 17 .38 caliber cases (item 82), and a partial box of PPU .40 caliber ammunition (item 83.) A 15 round Promag pistol magazine (item 84) was also recovered from the south west closet.

The handcuffs used to secure the suspect after the shooting (see photos 0091 and 0092) placed in property (item 85.) I took swab samples of the cuffs prior to their submission (item 86.)

CSIs Malmstrom and Williams also placed multiple items in central property. See their reports for more detail.

The officers pistols and Officer Lotts rifle was sent to the Tyler DPS lab for test fire and function checks. These items have since been returned to the officers.

Officer Riggles rifle was sent to the Tyler DPS lab for function check, distance determination and ejection pattern testing.

The swabs taken from the RG .38 revolved were initially sent to DPS Garland for DNA analysis. Due to time constraints regarding the grand jury, the swabs from the trigger and cylinder release were sent instead to Orchid-Selmark in the metroplex.

On 2/25/2013 I received an email from Jennifer Smith of Orchid

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Supervisor Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/26/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

Selmark. In short, the report advised that no hit was made from the cylinder release swab. A hit was made on the trigger swab belonging to Victor Fuentes.

.
The department is still awaiting the results from the weapons tests.

.
No further at this time.
.

Investigator Signature

Supervisor Signature

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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *02/27/2013 00:00:00, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----CSI SUPPLEMENT-----

Reporting Officer: *RACKLIFF, JEFFERY (8820)*
Added By Employee: *RACKLIFF, JEFFERY (8820)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *02/27/2013*

Homicide 13-00003 2/27/2013 J. Rackliff

I received a copy of Juan Esteves Fuentes, W/M, DOB [REDACTED] SS [REDACTED]

I compared these prints to the recovered latent print I recovered from the box of Federal ammunition (item 81.) There was enough information present in both the CJIS copy of the rolled impression of finger 3, or the right middle finger, and a recovered latent I designated as 1 to make a comparison.

Upon close examination, I was able to locate enough pattern features and ridge detail in agreement in both the known and unknown samples to form an opinion.

In my opinion, latent print 1 from the box of Remington ammunition could have been made by no other person than Juan Esteves Fuentes. Tyler PD CSI Donald Malmstrom confirmed this finding.

As this is an officer involved shooting, I requested Smith County Sherriffs Office CSI Noel Martin confirm the finding as well. CSI Martin confirmed the identification.

No further.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occurred:** *01/01/2013*

Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *ELLIOTT, N. S. (10039)*

Date / Time: *04/09/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----DET SUPPLEMENT-----

Reporting Officer: *ELLIOTT, NATHAN (10039)*

Added By Employee: *ELLIOTT, NATHAN (10039)*

Supplemental Supervisor: *Not Recorded.*

Added Date: *04/09/2013*

On 04-04-13, this case was presented to the Smith County Grand Jury for them to review. After reviewing the case, the Smith County Grand Jury no billed Officer John Riggle of any criminal charges. A copy of the no bill was placed in the case packet.
The case packet was placed into records.
This case is closed.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *04/18/2013 00:00:00, Thursday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----CSI SUPPLEMENT-----

Reporting Officer: *RACKLIFF, JEFFERY (8820)*
Added By Employee: *RACKLIFF, JEFFERY (8820)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *04/18/2013*

Homicide
13-003
4/18/2013
J. Rackliff

Officer Riggles rifle and magazine was returned to him today. A bore swab and piece of card stock was taped inside the evidence box the rifle was returned in.

I took these items and placed them in central property.

No further.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
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Offense: *HOMICIDE - JUSTIFIABLE*

Investigator: *RACKLIFF, J. (8820)*

Date / Time: *08/06/2013 00:00:00, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supp*

-----CSI SUPPLEMENT-----
Reporting Officer: *RACKLIFF, JEFFERY (8820)*
Added By Employee: *RACKLIFF, JEFFERY (8820)*
Supplemental Supervisor: *Not Recorded.*
Added Date: *08/06/2013*

Homicide

13-003

8/6/2013

J. Rackliff

We received via mail a package from Orchid-Selmark containing evidence in this case used for DNA typing and identification. The items returned were 43, 44, 54, 56, 58, 60 and 112. There was also a sealed plastic bag containing test vials.

I placed the evidence in central property. The test vials were numbered 120.

No further.

Investigator Signature

Supervisor Signature